

~~Bann. Club 81.~~

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X

ACTS AND PROCEEDINGS

OF

THE GENERAL ASSEMBLIES

OF THE

KIRK OF SCOTLAND,

FROM THE YEAR M.D.LX.

COLLECTED FROM THE MOST AUTHENTIC MANUSCRIPTS.

PART THIRD. M.D.XCIII.—M.DC.XVIII.

EDINBURGH, M.DCCC.XLV.

THE Volume now presented to the Club, embraces the concluding portion of the Recorded Proceedings of the General Assemblies of the Church of Scotland, held within the period contemplated in the present Work. Its delivery has been retarded by accidental circumstances, in themselves of little importance ; but the delay has afforded an opportunity of rendering this compilation somewhat more accurate and complete.

The Index to the entire Work has been compiled by Mr DAVID MEEK, with that extreme accuracy and exact knowledge of the early history of the Scottish Church, for which he has been so long distinguished. It may be proper to mention, that the additions and corrections to the Index were chiefly owing to his great anxiety to render it more perfect, from new sources of information which became available after the sheets had been sent to press.

EDINBURGH, *March* 1845.

THE BANNATYNE CLUB.

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AT an Extraordinary General Meeting of the BANNATYNE CLUB,
held in the Apartments of the Antiquarian Society, on Friday
the 8th of July 1836 :

THE PRESIDENT having stated, that the destruction of the early Registers of the Church of Scotland, in the year 1834, being no longer a matter of doubt, it had become highly desirable that measures should be taken for collecting and printing, in addition to the volume known by the title of "The Booke of the Universall Kirk of Scotland," whatever else could yet be recovered from authentic sources of the recorded proceedings of the General Assemblies, from the era of the Reformation to the period from which the original Registers were still extant. The Meeting approved of the President's recommendation, and he was requested to take such steps as he might judge fit for preparing a specimen of the proposed Work.

AT a Meeting of the COMMITTEE of the BANNATYNE CLUB, held at
Edinburgh, in the House of the President, on Monday the 13th
day of November 1837 :

THE PRESIDENT stated, that he expected soon to exhibit a specimen of "The Booke of the Universall Kirk,"—and suggested, that it should be put within the option of the MAITLAND CLUB to secure copies of the Work, by furnishing paper and paying a proportionate share of the expense. The Secretary was directed to make a communication to this effect.

At an Extraordinary General Meeting of the BANNATYNE CLUB,
held in the Hall of the Antiquarian Society, on Monday the
29th of January 1838 :

In pursuance of the Minute of the Committee on the 13th of November last, and after communicating with the Committee of the Maitland Club, it was RESOLVED,—That the printing of “The Booke of the Universall Kirk of Scotland,” containing the Acts and Proceedings of the General Assemblies of the Church, from the year M.D.LX., be proceeded with, under the superintendence of THOMAS THOMSON, Esq., President of the Club, at the joint expense, and for the use, of the Members of the BANNATYNE and MAITLAND CLUBS.

DAVID LAING, SECRETARY.

At an Extraordinary General Meeting of the BANNATYNE CLUB,
held at Edinburgh, in the Hall of the Antiquarian Society,
on Monday the 15th day of April 1839:—

RESOLVED,—That the First Part of “The Acts and Proceedings of the General Assemblies of the Kirk of Scotland, from the year M.D.LX., collected from the most authentic Manuscripts,” and now printing for the Bannatyne and Maitland Clubs. be circulated among the Members.

DAVID LAING, SECRETARY.

THE PREFACE.

IN presenting to the Club these remains of the Recorded Proceedings of the Church of Scotland, during the first half century after the Reformation, it may be fit to offer some explanation of the causes of their imperfect state; and not uninteresting to trace the successive dangers and escapes through which the original muniments had passed, down to the period when there is too much reason to believe they were left to perish in the conflagration of the Houses of Parliament in the year 1834.

The duty of recording the proceedings, and framing the Registers of the General Assemblies of the Church, was from the first entrusted to an officer regularly elected; to whom also was committed their ordinary custody.* In these Registers was embodied the most authentic

* This officer appears under the various designations of "Scribe" or "Clerk of the Assembly,"—"Common Clerk of the Kirk,"—and "Clerk of the General Assemblies, and Keeper of the Register of the same." During the period embraced in the following volumes, the office was held by four different persons in succession, whose names have been rendered of some importance, in tracing the subsequent history of these records. The first in order was Mr John Gray, whose appointment was probably coeval with the first General Assembly in 1560. In the Register of Ministers, &c. 1567, (printed for the Maitland Club,) there is the following entry, which shews that his services were not entirely gratuitous:—"Mr John Gray, Keipar of Registre of Ministers thair Stipendis, " Extractor thair of, and Clerk of the Generale Assembleis and Keipar of the Registre

evidence of the original constitution of the Presbyterian Church, and of its practical administration under the guidance of those able and distinguished men by whose exertions and influence its reformation had been achieved. To their well-known importance in that view, have been mainly owing the perils and injuries to which these records have been exposed.

During the first twenty years after the Reformation, the prevailing current of opinion in favour of the Presbyterian polity had been little disturbed, and the Registers of the Church appear to have remained in the custody of the proper officer; but in the course of the subsequent struggles for the re-establishment of Episcopacy, they acquired a sinister interest, and by some disorderly means had passed into other hands, from which they were ultimately rescued with no little difficulty. Although ignorant as yet of the injuries they had sustained, and even uncertain into whose hands they had fallen, the leaders of the Church became anxious to recover the possession of these records, and to replace them under the care of their own officers. Accordingly, in the General Assembly held in May 1586, two of the members were "directit
" to the Kings Majestie to sollicite the redelyverance of the same,
" [and] returnit his Hienes answer, That they sould be delyverit
" to the Clerk ilk day during the Assemblie, but at evin they

" of the same, in recompense of his labouris bigane and to cum, ijc li." In 1574, Mr James Ritchie was elected his successor, and sworn into the office with great solemnity. On his decease in 1596, Mr Thomas Nicolson, advocate, (and Commissary of Aberdeen,) was, by a plurality of votes, chosen, sworn, and admitted; and, with some temporary interruptions, retained the office till 1618, when, on his "dimission," Mr James Sandilands was received in his place. In 1638, Mr Archibald Johnston, (afterwards better known as Lord Wariston,) was elected Clerk by the General Assembly held at Glasgow; and to him succeeded Mr Andrew Ker, who survived the Restoration in 1660.

“ could be in the hands of the Lord Privie Seale quhill the end
 “ of the said Assemblie ; betwixt and quhilk day his Majestie
 “ wald be present himselfe.” This strange reserve in permitting (P. 647.)
 to the Church the custody and use of her own Records, was apparently intended to elude the detection of the frauds practised by those into whose hands they had fallen ; while, at the same time, it well harmonized with the favourite views of the King in asserting a civil supremacy over the ecclesiastical establishments of the country.

In the Assembly held in June 1587, “ the King’s Commissioners
 “ having offered their concurrence in recovering the Registers, if it
 “ might be known in whose hands they were ; and the Moderator
 “ having desyrit the brether that could give any light in this matter
 “ to manifest the same,” it was ascertained that they were then in (P. 686.)
 the possession of Patrick Adamson, Archbishop of St Andrews : and the royal authority having been obtained in aid of that of the Church, to compel their production, it would appear that in the first instance they had been given up to the Lord Secretary ; and after much hesitation and cavil, there was “ at length presentit
 “ to the sight of the kirk fyve volumnes of thair Actis, quherof
 “ a great part being mankit, and, after the sight thereof, being
 “ redelyverit,—the haill brether ordainit ane heavie regrate to
 “ be made to his Majestie in article, lamenting the away taking and mutilating of the saids Bookes, and to crave that the
 “ same may be restored, and also that the saids Bookes may be
 “ delyverit in the Kirks hands, to remane with them as their
 “ awne Register, namelie in respect of the answer returnit from
 “ my Lord Secretar, that his Majesties will was, that the Kirk sould
 “ have inspection thereof as they had adoe presently, and to give
 “ them up againe.” (P. 697.)

The restoration of the mutilated parts of the Registers, was unhappily no longer possible ; but the story of this disgraceful

proceeding seems to have been first disclosed, in the year 1591, in the humiliating confessions elicited from Archbishop Adamson by the Provincial Synod of Fife. He there ventures to assume to himself the credit of having saved the Acts of the General Assembly from the flames, to which they were destined by the Earl of Arran ; but confesses, that “ upon a certain day in Falkland, before “ they were delivered to the Kings Majestie, the Bishop of N. accompanied with Mr Henry Hamiltoun, rent out some leafes, and “ destroyed sic things as made aganis our estate, and that not “ without my awne speciall allowance.” *

There seems to be no doubt, that prior to the date of these disclosures, the Registers of the Church had been replaced in the hands of the Clerk of the Church, nor does it appear that any further attempts were then made to disturb their legitimate custody. But hazards of another kind were awaiting them. On the overthrow of the Presbyterian polity in the year 1606, its muniments were no longer regarded as of dangerous importance ; and for more than thirty years they appear to have been neglected and lost sight of by the Church. The period however was fast approaching

* Row's History of the Kirk of Scotland, p. 123. Edin. 1842, 8vo. In the Latin edition or version of this *Palinodia*, the passage relative to the Books of the Kirk is thus given: —“ Quod ad illud quod quæritis, quis casus obtigerit Commentariis Synodi Generalis, “ ita res se habet. Integros servavi in reditum nobilium et ministrorum ex Anglia: “ quod si non fecissem, Comiti Araniæ in animo erat curare ut conjicerentur in ignem. “ Falcolandiæ quodam die, priusquam traditi sunt Regiæ Majestati, Episcopus N. una “ cum M. Henrico Hammiltonio discerpit quædam folia, et ea quæ adversus ordinem “ nostrum ulli usui esse possent, idque me approbante.”—A. Melvini Musæ, et P. Adamsoni Vita et Palinodia,—p. 51. 1620, 4to. It has been supposed that the person here alluded to was David Cuninghame, who had been preferred to the Bishoprick of Aberdeen in the year 1577. The extent of the mischief thus practised has not been exactly ascertained, but the indications of this rough process of castration will be found in the following work, at pages 417, 424, 461, 465, 474.

when a due sense of their importance was to revive ; and very serious alarms for their safety had begun to prevail, when, to the surprise of all, the greater part of them was brought to light in the General Assembly held at Glasgow in the year 1638. Of that unexpected and joyous event, the contemporary historians of the Presbyterian Church have been anxious to preserve the minute and interesting details.* It may here suffice to state, that by the successful exertions of Mr Archibald Johnston, who had been then chosen Clerk of the Church, and who was destined to act a still more prominent part in after life, the greater part of the Registers prior to 1590 had been traced and found in the hands of private individuals, officially connected with Mr Thomas Nicolson, the last regular Clerk, in whose possession they had been left after his “dimission” in 1618. Those only of subsequent date had been received by his successor Mr James Sandilands, whose son, an unsuccessful candidate for the clerkship, surrendered them to the Assembly.

On the part of the Royal Commissioner, there was shown an evident disinclination to recognise the authenticity of these records; but to put an end to all doubts on that head, the books were subjected to a minute and careful scrutiny, by a Committee of distinguished members ; whose elaborate report, proving them to be “true, famous and authentick registers of the Kirk,” was ultimately approved by an unanimous decision of the Assembly.

(App. p. xxiii.)

Of these more ancient records there were in all five volumes ; four of which were found to contain the original record of the Assembly’s Proceedings from 1560 to 1590 ; with the exception of that from March 1572 to March 1573, and of that from July 1580 to October 1583. The former of these was recovered and pro-

* See Appendix, No. I.

(App. p. XXVIII.) duced to the next General Assembly held in 1639; of the other no trace appears ever to have been found. * That loss however was supplied by a fifth, what is described as the "greatest volume," and which proved to be a well-authenticated "duplicate" of the entire series of proceedings prior to the year 1590.

From the state of safe custody to which they were thus once more restored, the records of the Church were doomed to be again withdrawn, at the disastrous period of the English invasion in 1650. After several transfers from place to place, it was thought advisable to seek a shelter for them in the fortress of the Bass: in April 1651 a requisition was sent to the keeper, "that the Bass might be made " secure for the Registers, as it had been in a former day of calamity;" and as a further precaution against the accidents of war, it was " agreed that the great volume, being a duplicate of some of the rest," should be sent to the castle of Dunottar, to which the Regalia of the Kingdom had been carried. But neither the Regalia, nor "the great volume," were very long considered as in a place of safety; and on the authority of a letter from certain members of the Commission of the Church assembled at Aberdeen, on the first of September 1651, the Register in question was delivered to the Earl of Balcarras, who had been the High Commissioner to the General Assembly held at St Andrews in the preceding month of July.† The more important portion deposited in the fortress of the Bass, fell soon afterwards into the hands of the English invaders, and was removed from

* From the proceedings in the Assembly 1638, given in the Appendix, it appears that these missing volumes were supposed to be in the hands of Archbishop Spottiswood, who is stated by Lord Rothes to have obtained from the king a warrant to demand them from Nicolson, the former clerk, and from whom the later volumes after 1590 were obtained by Sandilands. It is highly probable that the Archbishop had desired to have the use of these Records in the composition of his Ecclesiastical History.

† See Dr M'Crie's *Memoirs of Veitch*, &c. p. 524.

Scotland in pursuance of an Order of the House of Commons, April 27, 1652,—“ That Major-General Dean cause the public Records “ of the Kirk, taken in the said isle, [the Bass,] to be packed up in “ cask and to be sent to the Tower of London, there to remain in “ the same custody that the other Records that come from Scot- “ land are.”

In 1657, Sir Archibald Johnstoun, Lord Wariston, in virtue of his office of Clerk Register, was successful in obtaining from the Protector's Council a warrant for restoring to Scotland such of the public Records “ as concern private men's cases and interests only ;” but all those “ of a public nature” were retained till the period of the Restoration. There can be little doubt that his ardent zeal in the service of the Kirk would not allow him to be inattentive to the fate of these Registers ; but of the means or the time of their actual release from the Tower, no distinct traces have been found. They do not appear to have been included among the Records surrendered in 1657, of which a full Inventory is preserved ; and although it might be presumed that they were sent back to Scotland in September 1660, along with the other Public Records of the Kingdom, yet no distinct traces of their existence or subsequent fate have been found. The possibility of their retention in England, for reasons similar to those which prevented the transfer to Scotland of the Acts and Proceedings of Parliament during the Civil War, might have left a glimpse of hope for their ultimate recovery, had not the recent arrangement of the Records in the State Paper Office, and at the Tower, precluded every chance of their being yet discovered in those repositories. Whether these Registers of the Church may not have formed a part of the Records that were lost at sea on the voyage to Scotland in 1660, must remain a matter of mere conjecture, as there exists no satisfactory evidence of what was included in that unfortunate cargo. If it be supposed barely possible that they

were brought back to Scotland, the only conjectural alternative which remains is, that they may have perished in the great fire at Edinburgh in the year 1701, which consumed a large mass of consistorial and ecclesiastical records.*

The other portion of the Church's muniments which had been transferred to the castle of Dunnottar in 1651, and afterwards placed in the hands of Lord Balcarras, there seems reason to believe, had been committed by him to the custody of Mr Andrew Ker, the successor of Lord Wariston in the Clerkship of the General Assembly, and on his death, had passed into the possession of his brother and heir, Mr Robert Ker. After the death of the latter in 1677, they are said to have been discovered in his private repositories, either in consequence of some previous information conveyed to the Government, as stated by Bishop Keith,† or more probably by the officers of the Commissary Court, in the course of their official researches. How they afterwards came into the possession of Paterson, Bishop of Edinburgh, does not appear; but in his hands they were retained, after the re-establishment of Presbytery in 1689; and in disregard of unquestionable legal rights and obligations, he appears to have treated them as articles of merely antiquarian curiosity, and, as such, to have presented or bequeathed them to the Honourable Archibald Campbell, an eminent virtuoso in his day, and afterwards a titular bishop of the Episcopal Church of Scotland. Bishop Paterson died in 1708; and it is remark-

* In the General Assembly at Edinburgh, March 1703, an Act was passed "for supplying and preserving the Registers and Papers belonging to the General Assemblies, Committees, and Commissioners thereof;" proceeding on this preamble: "The General Assembly taking into their consideration the great loss the Church hath sustained by the burning of several of their Registers and some papers, in that dreadful fire which happened in the Lawn Mereat of Edinburgh upon the 28th day of October 1701," &c. Among these losses, the Registers of the Assemblies 1638, 1639, 1640, 1641, 1642, are particularly mentioned.

† History of Scotland, p. 497. Note b.

able that twenty years afterwards, the fact that those were genuine Registers of the Kirk seems not to have been ascertained. In a letter from Mr Robert Wodrow to Lord Grange, written apparently in 1728, after alluding to the Manuscripts collected by George Ridpath,* it is added, "He pretended to have our original Acts of Assembly, as I hear Mr Archibald Campbell, Lord Niel's son, pretends his copy is likewise an original record." This uncertainty may help in some degree to account for the tardiness, if not indifference, which the leaders of the Church had hitherto shown in vindicating their just rights, and compelling the restoration of an unquestionable portion of the Public Records of the Kingdom.

At length, however, the authenticity of the Registers in the hands of Mr Campbell appears to have been ascertained, and on the part of the Church a negociation was set on foot for their recovery, of which some valuable traces are preserved, but which is said to have failed in consequence of the extravagant and preposterous conditions proposed by that eccentric person.† Beside the payment of a sum of money as the price of their own property, which was considered as excessive, it was to be an indispensable preliminary that the books should be printed under his own superintendence, to the absolute exclusion of any revisal by any member of the Established Church. The rejection of such conditions can excite no surprise; but it may well be wondered at, that there the matter should have been suffered to rest, and that no legal measures for compelling the restitution of the property should have been adopted. To these

* WODROW CORRESPONDENCE, III. 285.—The manuscript in Ridpath's possession would appear to have been a copy of "The Book of the Universal Kirk." It was acquired by Dr James Fraser, another curious collector, and presented by him to the Library of the Divinity Hall in the University of Edinburgh. Unfortunately it has been lost for many years; but a transcript of it was made for the use of the Church in 1730.

† The documents alluded to are in the archives of the Church, and have been printed in the Appendix, No. VII. p. XXXIX.

no effectual bar had been created by the subsequent transfer of the books to the Library of Sion College, London, by a deed of gift dated in the year 1737; but whether from a certain sluggishness of movement incident to such bodies, or from some ill-advised distrust of their own rights, the Church does not appear to have made any effort, or bestowed any serious thought on the subject, till nearly a century after, when the Reverend Dr Lee, now the Principal of the University of Edinburgh, began to rouse the attention of his brethren to the assertion of their long neglected claims. The strict justice of these he was most eminently qualified to illustrate and enforce; and for his zealous and laborious services in the cause, he well entitled himself to the thanks of successive Assemblies of the Church. It can never cease to be matter of deep regret, that his exertions had not secured a timely and more strenuous support; and that regret is embittered by the consideration that the first practical step, and the expected prelude, to a full vindication of the Church's right to these Records, was doomed to become the immediate cause of their loss.

In the year 1834, in pursuance of an Order of a Select Committee of the House of Commons on Church Patronage, Dr Lee, Dr Welsh, and Principal Macfarlan, accompanied by Mr James Chalmers, * obtained access to the Library of Sion College, and (App. p. xxxiii.) reported that "they had inspected three books in manuscript, "bearing to be records of the Proceedings of the General "Assembly of the Church of Scotland from 1560 to 1616:"—"and that in their opinion these Records were the genuine and "authentic Register of the Proceedings of the General Assembly "of the Church of Scotland for the above period." Under another Order of the Committee, these volumes were reluctantly dragged from their place of deposit, and produced by one of

* At a previous examination of the MSS. in Sion College, Mr John Richardson, and Mr David Laing, Secretary of the Bannatyne Club, formed part of the Deputation.

the officers of the College ; who was informed “ that the Committee “ wished the books to lie upon the Table for their inspection, and “ that the Committee would send to him when they wished them to “ be returned.”* The consequence of this resolution seems to be but too well ascertained. By a sad oversight the books were suffered, at the close of the Session, to remain in the Committee Room, and that part of the buildings was burnt down on the 16th day of October ensuing.

(App. p. xxxvii.)

The books thus destroyed were three in number. The first, embracing the Proceedings of General Assemblies from December 20. 1560 to March 1589, was unquestionably the same “greatest book” produced by Wariston in the Assembly 1638 ; as, independently of certain coincidences observed by Dr Lee, it contained an attestation in the hand-writing, and with the well known signature of Wariston, as Clerk of the Assembly, that it had been received and acknowledged as an authentic register. The two other volumes, containing the Proceedings of General Assemblies from 1590 to 1616, were in all probability the same that were presented to the Assembly in 1638, by Sandilands, the son of the last Clerk of the Church within the period to which they relate.

(App. p. xxxviii.)

The great importance of the Proceedings of the Reformed Church of Scotland to the illustration of the constitutional and general history of the kingdom, had not escaped the early attention of the Bannatyne Club ; and in the absence of other means of giving publicity to the genuine records of the Church, the project was gravely entertained of undertaking that national work. The fatal catastrophe of 1834 terminated that more ambitious scheme ; and there only remained the plan here adopted of retrieving, from such secondary

* See Report of Select Committee on Church Patronage, pp. 355, 374, 451, App. p. 155.

sources as yet exist, the broken and disjointed fragments of the original Registers. Imperfect though they certainly are, two of these sources are here deserving of particular notice.

1. From an early period it became an object of importance to select from the general registers of the Acts and Proceedings of the Church, such parts as were calculated to illustrate and explain the principles of its constitution, and to regulate its ordinary administration. As early as 1574, a Committee of Members was appointed "to take travell in visiting and perusing of the Acts of the Assembly; to mark and note sick as are general, that thereafter they may be drawn and extracted out of the Books, that all pretext of ignorance may be tane away." Again in 1582, the Assembly "ordaines Mr [John] Craig to lay an order for collecting the Acts of the Kirk betuixt and the next Assemblie." In 1583, "Anent the travels taken be Mr Craige in collecting and disposing the Acts of the Assemblie," certain brethren are ordained "to consider and oversee the samine, and to returne their opinion back to the Assemblie:" and in the same Assembly, "anent the labours taken be Mr John Craige in collecting of the Acts of the Assemblie, seing the great travels tane be him for the weale of the same, not without the singular fruit and profite of the whole brethren, to the effect the same may be absolved and brought to perfection, it is thought good that" the Commissioners "travel in perusing the whole work," and assist in the full completing thereof,—"that the judgment of the next General Assemblie may be had thereupon." And in the following Assembly, held in the same year, the Commissioners report that they "had considered the travels of Mr Craig in the Acts of the Kirk, and that in his labours God was to be praised: yet some things they had noted, wherewith they desired he should conferr, and thereafter proceed with him in farther reasoning."

Of the praiseworthy labours of Mr John Craig, nothing more appears till the year 1593, when the following entry occurs: "Anent (P. 815.)
 " the Actis of the Kirk: That everie Presbyterie may be the better
 " instructit therin, the Kirk hes ordinit Mr James Carmichaell, quha
 " has alreddie tane sum paneis in correcting therof, to perfyte the
 " work, and to present the same to the next General Assemblie of
 " the Kirk." And again, in the Assembly of 1595, "Anent the (P. 856.)
 " Actis of the Assemblie: The brether has ordainit that the samein
 " be sichtit, and speciall Acts for practise of the Kirk be extractit
 " and jointit with the Booke of Discipline, to be publishit either
 " in wryte or print, that none pretend ignorance therof, and to this
 " effect to concurre with the Clerk, Mrs Robert Pont, Thomas
 " Buchannan, James Melvill, Johnstoun, and James Carmichael."*
 Here we find no distinct allusion to the previous labours of Mr John Craig; but having evidently had the same object, it may be presumed that those of Mr James Carmichael and his coadjutors consisted of a revisal, perhaps enlargement, and continuation of the former.†

That these careful compilations should have been afterwards entirely lost sight of, is highly improbable; and as there still exist various copies of such an abridgment, to which has been usually given the title of "the Book of the Universal Kirk of Scotland," it seems no very hazardous conjecture, that these may be transcripts of the work of Carmichael, continued to the termination of

* Some curious notices relative to the progress of Mr Carmichael's labours occur in the Register of the Provincial Synod of Lothian and Tweeddale, and will be found in the Appendix, p. xxx.

† This Manuscript appears to have belonged to William Earl of Crawford-Lindsay, who flourished in the reigns of Charles I. and II., and was distinguished for his attachment to the Presbyterian Church: it has his autograph signature in different parts of the volume.

Presbyterian government in 1606. The copy preserved in the Advocates Library appears to be a manuscript of the early part of the seventeenth century, and contains proceedings of Assemblies down to the year 1616, including most of those that were condemned as unlawful by the General Assembly of 1638. It has been adopted as the main ground-work of the present collection, and has been found on collation to admit of little correction or improvement from any other copy. When the larger volume from which it must have been compiled, was examined by Dr Lee (App. p. xxiv,) in 1834, he found, on a random calculation, that it contained more than thrice the quantity of matter preserved in "the Book of the Kirk;" but of what that larger quantity chiefly consisted, he had not an opportunity of ascertaining, further than that the Record "contained a great mass of information in a more complete" and certainly in a more correct form than any thing that has been "exhibited in any of the publications which he had ever seen."

2. In aid of the "Book of the Kirk," and for the enlargement of its contents, the Ecclesiastical History of David Calderwood has proved of most important use. It would be here out of place to enter into any detailed account of that valuable work. It was undertaken, if not originally under the express authority, yet with the entire approbation of the Church; and as the Records, recovered in 1638, were completely accessible to the author, it is evident that he had made a diligent use of his opportunities, and had not confined his researches to any of the abridgments which were then extant. His quotations from the Registers of the Assembly are very copious, and in the present work have been interwoven with the contents of the Book of the Kirk, but never without indicating the source from which they have been derived, by including them within brackets, with the initial letter of the author's name. The great value of Calderwood's work has been long known,

and its complete publication from the original manuscript, now in the British Museum, has been one of the meritorious labours of the Wodrow Society. The extracts introduced into the present collection have been taken from a transcript of the original, made for the use, and under the inspection of Mr Robert Wodrow, now in the possession of the Church of Scotland.

It has been the object and anxious wish of those to whom the conduct of this work was entrusted, to preserve every fragment of genuine record that could be discovered. For that purpose the historical works of Knox, of Melville, of Spottiswood, of Petrie, of Row, and others, have been carefully examined, and various corrections and additions have been obtained, which, like those from Calderwood, have been invariably indicated by the initial letters of their respective names. In further illustration of the proceedings of the Church, several public documents, taken from the Registers of the Secret Council and other authentic sources, have been introduced at their proper places in the order of time, and will be found to add to the historical interest of these volumes.

In the selection and transcription of nearly the whole of its materials, and in the various researches essential to the successful completion of the work, the Club has to acknowledge its deep obligations to the Reverend William Beattie Smith, A.M., Chaplain to the Garrison of Edinburgh Castle, whose zealous and long sustained exertions could have been prompted only by a deep feeling of interest in the object to which they were directed. That, after all, some things may have escaped his researches, is far from impossible; that some few notices have been introduced which were not strictly within the proper scope of the work, will not escape the observation of a critical reader; but on the whole, it is scarcely to be hoped that a more extensive view of the actual proceedings of

the Presbyterian Church, during the period which it embraces, can now be attained.

It only remains to be stated, that the proper contents of what has been usually entitled the Book of the Universal Kirk of Scotland, may be said to terminate with the General Assembly appointed to be held at Aberdeen in the year 1604; and that the Assemblies which follow, from 1606 to 1618, whose proceedings have been here retained as necessary to complete the historical series, were, on the

(App. p. XLIX.) restoration of Presbytery in 1638, “condemned, and declared every
 “one of them to have been from the beginning, unfree, unlawful,
 “and null,” for reasons which are recorded at length in the Acts of that Assembly.

EDINBURGH, *March* 1845.

APPENDIX.

I.

PROCEEDINGS OF THE GENERAL ASSEMBLY HOLDEN AT GLASGOW, IN THE YEAR 1638,
RELATIVE TO THE REGISTERS OF THE CHURCH.

Sessio 3th November 26. 1638.

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THEN the voices of the haill Assemblie wer craved anent the electioun of a Clerk, and Mr Archibald Johnstoun wes chosin be the universall consent of all except one, and wes admittit Clerk vnto the Assemblie ad vitam, and vnto all the richtes, fies, and privilegedges pertaining to ane Clerk off before, to be extendit at large; who, efter the acknowledgement of the weichtines of the charge, and his insufficiencie for it, imbraced it, as haveing a calling from God and the honourable Assemblie. The Moderator desyred to be informed, if anie more wes requisite for his admissioun, bot a solemne oath of his fidelitie and diligence. Mr Johne Row ansuered, Nothing farder, but that he sould bring foorth, keip and preserve the Registers of the Church, at leist so manie as sall come in his handis, seing pitiful experience could shew how these Registers had been marred in former tymes. Then Mr Archibald gave an solemne oath of his fidelitie and diligence and conscious keeping and use making of all Registers; and documents was taken of his acceptance and admission. The Moderator said, that the books and acts of all former Assemblies should be produced and putt in Master Archibald's hands. Mr Thomas Sandilands ansuered, that he had receaved no Registers from his father, but onlie two bookes containing some Acts from the year 1590, till the Assemblie at Aberdeen holden *anno* 1616, which therein is onlie begunne, with the minuts of the acts of the said Assemblie of Aberdene in a paper apairt, with the

minutes of Sanct Androis following 1617, with the acts of the Assemblie at Perth subscribed be Mr James Sandilands, and delivered the samen to the Assemblie: and being posed for the rest of the Registers, answered, in his fathers name, that hee had gotten these two from the bishop of Sanct Androis, and had never received any more neither from him nor from the Assemblie nor from any other. The Moderator craved, that all the Registers might be had and brought forth from the hand of any clerk or haver of them, affirming that these bookes had in them matters of greater weight then all other evidents of Land &c. for they were the Kirk of Scotlands Magna Carta, containing all her priviledges and liberties since the Reformation. Hee wished also, that this Assemblie should not be deprieved of so powerfull a meane of informatione, for proceeding in matters to be handled there. The former clerks sone affirmed, that he had destroyed nane of these books. The Moderator urged the production of these books, and desired the Commissioner to take course for it. The Commissioner answered, that hee was willing to use any good meane that could be used for the productione of these bookes, if any could shew in whose hands they were; for (said he) I desire not that any Register should be absent, but above all the Kirk Registers. My Lord Rothes said that, by a warrant from King James, the Bookes were taken from Mr Thomas Nicolsone and the last clerk, and putt in the hands of the pretended Bishop of Sanct Androis, and soe of neidforce a course must be taken for getting of these bookes from the Bishop. Mr Archibald Johnstone said that, in Gods providence, als many books were come in his hands as could be able to make up a perfite Register of the whole affaires of the kirk from the Reformatione untill this day; which bookes he produced on the table and declared by whom and what meanes they were come into his hands; to witt, Mr Robert Winrahame, depute Clerk under Mr Thomas Nicolsone, and from him to Alexander Blair, of which bookes there are five volumes in folio; but Mr Patrick Adamsone, Bischope of Sanct Androis, rent one of them, and there are yet four to the foir of them written be Mr James Ritchie and Mr Thomas Nicolsone, whereof the first two containes the Acts of Assemblie from the year 1560 to 1572, subscribed be Johnne Gray, Clerk to the Assemblie: The third volume fra 1586 till 1590, written and subscribed in the margine be Mr James Ritchie, Clerk to the said Assemblie: The fifth booke, being ane great volume of the Acts of the Assemblie fra the year 1560 till 1590, (whereof he had but an len from an minister:) Whereof the first four volumes, the said Mr Archibald declared that he had received them from Alexander Blair, Wreater, who was servand, and succeeded in the place of Modifications of Stipends to Mr Robert Winrahame, who had a deputation from Mr Thomas Nicolsone. Clerk to the Generall Assemblie.

The Moderator said, These are good and comfortable newis unto the Church of Scotland, that a perfect Register of the Acts of the Assemblies are yet to the foir; and that it was needful that course be taken for tryell of these bookes, whether they be these same bookes written be the clerks or be their deputes, or copies onlie of these bookes. It was answered be the clerk, that they are the same, written and sub-

scribed by the clerks owne hand; and the leaves riven out of ane of them by the Bishop, from the 22d to the 27th leaffe, may yet be knowen by the merkit number of the leaffis. The first Clerk wes Mr Johne Gray, who subscribed everie Assemblie with his hand. The next is also subscryved, and an memorandum on the first leaff of it, where Mr Archibald Huntar passed to the Chancellor Maiteland and received that volume and this uther, and the half of that which was rent by Bischope Adamsone; The third booke, the first act of it is the election of Mr James Ritchie, Clerk, which booke is all of one hand writt. The one booke is from the 60 to the 70 year. The next from the 79, wherein the Bischope of Sanct Androis is censured and excommunicat. And now in Gods providence there is in the present clerks hands, a perfite Register from the 70 year to this last Assemblie, for which all of us have reason to praise God. The commissioner said, See that wee build on an sure foundation, and try well that these bookes be authentick. The Moderator craved, that some judicious men, and skilled in dig-nosing handwritts, might be nominat for tryell of these bookes; and intreated the Earles of Lauderdaill, Southesk, and Argyle, to take inspection of the bookes. Argyle objected his youth and unskillfulness for so weightie a charge, yet at command of the Commissioner he declaired his willingness to assist the worke. The Commissioner said, that if his owne paines could contribute any thing to the furtherance of the worke, he would be ready to sitt upp day and night, but would not lay that burthen on his Assessours; for, said he, seing it is refused that they should be members of the Assemblie, hee saw not how they could be appointed for trying of these Registers. The Moderator answered, Wee are hopeful that their Lordships will not refuse to further the good of this Assemblie, seing it is said here it is not for want of due respect wee owe to their Lordships, but onlie for preservation of the Kirks liberties as said is. The Commissioner said, I cannot see how these that are not granted to be members of this Assemblie, can cognosce bookes containing matters of so great weight. The Moderator answered, that they can best judge. The Commissioner said, but I cannot consent unto it: Therefore the Moderator said, let the skilliest of the clerks of Sessione, counsell and burrow clerks, such as the Laird of Durie, the clerk of Dundie, Mr Alexander Pierson, Advocate, be conjoined as their assessours, to help them of the ministerie, Mr James Bonar, Mr John Row, Mr Andro Ramsay, Mr Wm. Livingstown, Mr John Adamson, Mr Robert Murray.

Mr John Row ansuered, that he had yet in his hands the Booke of the Kirk Policie, subscryved be Mr James Ritchie, clerk, which will serve to dignosce the hand writt. Mr Archibald Johnstone said, hee had the principall Book of Policie, written in Lumhard paper, in his hand, which also would condeeue to that end; this being judged to be the fittest way for tryall of the Registers of the Kirk, and making them to be authentick.

Sessio 5. November 26. 1638.

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The Moderator then said, It is now expedient that the sufficiencie of the Kirk Registers be cleared, that they may be declaired authentick. The Commissioner answered, it is a good work ; but I have some scruples not yet removed. Then said the Moderator, let some be appointed for tryell of the Registers ; for the Assemblie being now fullie constitut, after the examination of all controverted commissions, may give them commission for tryell of the Registers, and let their testimonie anent the perfection of the bookes be given in the morne. The Names of the Committee, Mr Andro Ramsay, Mr John Adamson, Mr John Row, Mr James Bonar, Mr Robert Murray, Mr Alexander Gibsone younger of Durie, Mr Alex^r Wedderburne clerk of Dundie, Mr Alex^r Piersone Advocat, with such others as they please to joyne with themselves.

Sess. 6. November 27. 1638.

The Moderator said, Let us beginne where we left at the tryell of the Records of Assemblies. There was a Committe appointed yesternight to give in their testimonie anent the authentienes of the Registers. If it please your Grace, let their ansuere be heard. The Commissioner having assented, the Moderator called upone these who were appointed for the examination of the Registers to reporte their testimonie. Durie said, Please your Grace and this reverend Assemblie, wee shall either give in our reasons be word or in writt. The Commissioner said, I desire to heare you give them in any way you please. Then the reasons of the authenticknes of the Registers were given in in writt and read by the clerk.

The Moderator said, please your Grace, heir is the testimonie of these that have skill in trying the Registers better nor any here present ; hes your Grace gotten satisfaction. The Commissioner answered, verilie it is a matter of very great importance, and there shall be no man more glad nor I to see the Registers of the Kirk fund reall and proven to be authentick. I am far from contradicting any thing that these worthie gentlemen hath done, for it were impertinent soe to doe. I can say nothing at the first hearing of a paper read, but it may be that many scruples come in my mynd concerning them, yea I have already whereof I am not resolved. This is the first time that ever I heard it read, and therefore I cannot give my judgment of it. I must confesse my ignorance in thir things, and therefore I must be verie loath to give my assent or approbation to any thing wherein I am not both cleare and persuaded. The Moderator said, hes your Grace any scruples to propone for the present. The Commissioner

said, I must think upon it before I propone them. The Moderator said, I would desire this reverend Assemblie, that if there be any here, noblemen, gentlemen, or ministers, that if they have any thing to say against this information concerning the authoritie of the Registers, that they would propone them either now by word, or in a short time by writt, that this Assemblie may make a declaration that they ar authentick, and if no objection be made against them, wee will take your silence for an approbation of their authoritie: if you have anything to say, bring it forth presentlie, if not, produce it in writt against the morne. The Commissioner said, I am verie confident that that is not the Regents hand writt. Durie answered, if it was not his hand writt it would have *sic subscribitur* as all other copies use to have. I will not affirme that everie reasone given in for proving the authoritie of the books is unquestionable good; but que non prosunt singula, multa juvant. I daire say this farre: all the Registers of Sessione, counsell, and prime judicatories of this Kingdome are als farre short of the Registers of the Kirk, as these Registers are short of these things treated here. The Commissioner said, truelie, Sir, I cannot but acknowledge that these reasones hath cleared verie much, and verilie they have removed many scruples that I myself had before the hearing of them, soe that I will not contradict them; but I still doubt if that subscription be the Regents hand. Moderator said, If there be any brother that hes any coppie of James Ritchie, or John Gray, Clerks to the Assembly, their hand writt, lett them produce them to give further information, or confirme this information, for possible some minister or other hes some record that may give testimony and approbation to this hand writt. Then M^r Johne Row produced an coppie of severall acts, and of the Booke of Policie, written by the said M^r James Ritchie, and subscribed with his hand, and other brethren of the presbitrie, which hee had kepted him selff now fiftie-two years; and the hand writt of the Assemblie Booke, and the coppies being compared and seene by the Commissioner himselffe, they were acknowledged to be ane hand writt. The Moderator said, if any man have anything to oppose against any of these bookes, let him now bring it forth, that an act may be made; for if no man produce anything, they will be acknowledged by this Assemblie to be authentick hereafter.

Sess. 7. November 28. 1638.

The Moderator said, wee left at the testimonie which was given by skilled men, who were appointed for trying of the Kirk Registers, and their testimonie was read in your hearing, and wee requested all to bring in this day their obiections and scruples concerning these Registers; now wee crave that [any] one who pleases would object: for if no man object, ane act or record will be insert in the Bookes of the Assemblie, declaring that these books are authentick. The Commissioner said, no man here shall have greater joy nor I to see the Registers of the Kirk perfyte; and no man sall contribute more to it than I, being a matter of so great importance and weight; for upon the Acts sett down in these Books very much depends. But because yee have heard

many objections made be the Lords of Clergie and their adherents against the legalitie of the proceedings of this Assemblie, I am tyed yet to say somewhat; and I am sorry that I must protest against that in word, which my heart desires not. Sore greaved I have reason to be to protest against soe good a work as is the restoring of the Kirk to her Records; yet considering my many causes, which now I will not expresse, I am foreit to protest against it. For albeit these Bookes may be found authentick by the consent of this Assemblie, yet may I do nothing which may import either his Majesties assent to it or myne; and therefore here I make protestation against it. The Moderator said, wee onlie crave the Assemblies approbation; and if the pretendit Bischops, or any other, will take upon them to improve these Bookes, or any part of them, they salbe heard. It is pittifull that there sould be such a fearfull rent in our Church, and that any pointe of the cause of it sould be impute to auctoritie, if wee consider what a sweet unitie was once in this Kirk;—to cleare this unitie, I will read a testimonie out of the Preface of the Booke, called the Harmonie of the Confessioun of the Reformed Kirkes. After the reading of it in Latine, he expounded it, shewing the rare priviledges of the Kirk of Scotland beyond other Kirkes; that for the space of 54 years, it remained in puritie of doctrine and discipline without any error or schisme; and gave a reason of it, because the Kirk of Scotland was reformed in doctrine and discipline according to the word of God: so it is cleare this Kirke once had unitie; and it is cleare also by what meanes and instruments schisme hes come in. The Commissioner said, I pray God this Kirk may enjoy that puritie 40,000 years more, if the world shuld indure so lang; yet I must protest in more pathetick wordes against the auctoritie of these bookes, (for I did it in modestie before.) Albeit, I would give my estate, and venture my life, in furthering the Church to be restoiored to her Registers; but because of the manifold exceptionons I gave against the way of the meeting of this Assemblie, and against sundrie persones which are members of it, I protest heir, that neither the Kings Majestie nor the bishops be wronged be any act in these bookes; and that they are not oblist be the acts of any book, which is not subseryved be the clerk of Assemblie. My Lord Rothes said, your Grace promised to propone some scruples against these bookes, wherein your Grace was not yet satisfied, which wee desire to heare; for they are found of all who have tryed them, comparatively authentick, and otherwayes also. The Moderator said, wee are sure if his Grace had perused these bookes, hee would approve them also. The roll being called be the clerk, the Moderator asked if the Bretherene did approve the Registers, who answered, that they did; and desires that the reasones of the approbatione might also be insert in the Bookes of Assemblie; and that there was not any protestatione made by his Majesties Commissioner. They desired also that the Bishop of Sanet Androis might be summoned for the production of these bookes which are wanting.

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ACT APPROVING THE REGISTERS.

Anent the report of the Assemblies judgement of the authority of the books of Assembly; The Moderatour having desired that if any of the Assembly had any thing to say, they would now declare it, otherwise they would hold all approved by the Assembly.

The Commissioner his Grace protested that the Assemblies approving these books, or any thing contained in them be no wayes prejudiciall to his Majestie, nor to the Archbishops and Bishops of this Kingdome, or any of their adherents; because he had some exceptions against these books. My Lord Rothes desired these exceptions to be condescended on, and they should be presently cleared, and protested that these books should be esteemed authentick and obligatorie hereafter.

The whole Assembly all in one voice approved these books, and ordained the same to make faith in judgement, and out-with, in all time comming, as the true and authentick Registers of the Kirk of Scotland, conforme to the testimonie subscribed by the Committie, to be insert with the reasons thereof in the books of Assembly: Whereof the tenour followeth.

WE under-subscribers, having power and commission from the Generall Assembly now presently convened, and sitting at Glasgow, to peruse, examine, and cognosce upon the validity, faith, and strength of the books and registers of the Assembly under-written, to wit: A register beginning at the Assembly holden the twentie day of December 1560, and ending at the fourth session of the Assembly holden the 28. of December 1566.

Item another register beginning at the Generall Assembly, holden the second day of Iune 1567, and ending at the fourth session of the Assembly holden at Perth the ninth day of August 1572, which register is imperfect, and mutilate in the end, and containeth no leaf nor page, after that page which containeth the said inscription of the said fourth session, which two registers bears to be subscribed by Iohn Gray, scribe.

Item a register of the Assembly holden at Edinburgh the seventh day of August 1574, and ending with the twelfth session, being the last session of the Assembly 1579.

Item another register beginning at the Assembly holden at Edinburgh the tenth of May 1586, and ending in the seventeenth session of the Assembly holden in March 1589.

Item another register being the fifth book, and greatest volume, beginning at the Assembly holden in Anno 1560, and ending in the year 1590.

Having carefully viewed, perused, and considered the saids registers, and every one of them, and being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our conscience declare to the world and

this present Assembly, that the saids foure registers above expressed, and every one of them, are famous, authentick and good registers: which ought to be so reputed, and have publick faith in judgement and out-with, as valid and true records in all things; and that the said fifth and greatest book, beginning at the Assembly 1560, and ending 1590, being margined by the hand-writs of the Clerk, and reviser of the registers, cognosced, and tryed, and agreeable to the other foure registers, in what is extant in them, ought also to be free of all prejudice and suspicion, and received with credit. And in testimony of our solemne affirmation, we have subscribed these presents with our hands.

Sic subscribitur.

Master Andrew Ramsay.
 Master Iohn Adamson.
 Master Iohn Row.
 Master Robert Murray.
 Master Alexander Gibson.
 Master Iames Boner.
 Master Alexander Peerson.
 Master Alexander Wedderburn.

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REASONS PROOVING THE FIVE BOOKS AND REGISTERS PRODUCED BEFORE THE ASSEMBLY TO BE AUTHENTICK.

The books now exhibited unto us under-subscribers, which we have revised and perused by commission from the Generall Assembly, are true registers of the Kirk: to wit, Five volumes, whereof the first two contain the acts of the Assembly, from the year of God 1560, to the year 1572, all subscribed by John Gray, Clerk. The third from the year of God 1574, to the year 1579. The fourth from the year of God 1586, to the year 1589. At which time Master James Richie was Clerk, who hath frequently written upon the margine of the saids two last books, and subscribed the said margine with his hand-writing. And the fifth book being the greatest volume, containing the acts of the Generall Assembly, from the year of God 1560, to the year 1590, which agreeth with the foresaids other foure books and registers, in so far as is extant in them, and further recordeth what is wanting by them, passing by what is mutilate in them, and which with the two volumes produced by Master Thomas Sandilands from the year 1590, to this present, maketh up a perfect register.

I. For the first two volumes subscribed by John Gray, albeit it be not necessar in such antiquitie to proove that he was Clerk, seeing he designs himself so by his subscription, yet the same is made manifest by an act mentioned in the third book, in the time

of Master James Richie, who succeeded him in the said office, and his hand-writ was acknowledged by sundry old men in the ministry.

II. The uniformitie of his subscriptions through both volumes, evident by ocular inspection above the ordinarie custome of most famous Notars, delivers the same from all suspicion, in facto tam antiquo.

III. There be many coppies, specially of generall acts, yet extant, which do not de-bord from the saids registers, but are altogether agreeable thereto.

IIII. It is constant by the universall custom of this Kingdome, that all registers are transmitted from one keeper to his successour, and so comming by progresse and succession from the first incumbent to the last possessour, are never doubted to be the registers of that judicatorie, whereof the last haver was Clerk; and therefore it is evident, that these books comming successively from John Gray, Master James Richie, and Master Thomas Nicolson, who were all Clerks to the Assembly, into the hands of Master Robert Winrame, who was constitute Clerk depute by the said Master Thomas Nicolson (as his deputation here present to show, will testifie) are the undoubted registers of the Assembly: like as Alexander Blair succeeded the said Master Robert in his place of Clerkship to the assignations and modifications of Ministers stipends; and during Master Robert his life-time, was his actuall servant, and so had the said books by progresse from him, which the said Alexander is readie presently to testifie.

V. The two registers of Master James Richie, albeit not under his own hand, yet are frequently margined with his own hand-writ, and the same marginall additions subscribed by him, which hand-writ is seen and cognosed by famous men, who knoweth the same, and is evident, being compared with his severall writings and subscriptions yet extant.

VI. The saids registers are more perfect, lesse vitiated, scored, and interlined, than any other authentick and famous registers of the most prime judicatories within this Kingdome.

VII. Master Thomas Sandilands, in name of his father, who was late Clerk by dimission of Master Thomas Nicolson, hath produced a volume, which proveth the saids two registers of Master James Richie to be sufficient records; because that same volume is begun by that same hand, whereby the said Master James Richie his registers are vritten, and is subscribed once in the margine by Master James Richie his hand, and is followed forth, and continued in the same book by Master Thomas Nicolson, who succeeded him in the place, and was known by most men here present to be of such approved worth and credit, that he would never have accomplished a register which had not been famous and true: and whereof the hand-write had not then been known to him sufficiently.

VIII. That Register produced by Mr Thomas Sandilands, and prosecuted by Master Thomas Nicolson, proves the first part of that register to be true and famous, and that first part being by ocular inspection of the same hand-writ, with Master James

Richies registers, and subscribed in the margine with the same hand-writ, proveth Richies two books to be good records, and Richies registers doth approve Grays books by the act of Assembly before written: specially considering the same hath come by progresse and succession of Clerks, in the hands of Alexander Blair, now living, and here present.

IX. The compts anent the thirds of benefices between the Regent for the tyme, and the Assembly, in the second volume, page 147, are subscribed by the Lord Regents own hand, as appeareth: for it is a royall-like subscription, and there is no hand writ in all the book like unto it, and beareth not Sic subscribitur, which undoubtedly it would do, if it were a coppie.

X. Master James Carmichell was commanded by the Generall Assembly 1595, Sess. 9. in the book produced by Master Thomas Sandilands, to extract the generall acts forth of their books; and it is evident that these books are the same which he perused for that effect, because he hath marked therein the generall acts with a crosse, and hath designed the act by some short expression upon the margine, which is cognosed and known to be his hand-writ, by famous and worthy persons: which is also manifest by the said Master James his band and subscription, written with his own hand in the last leafe of the said books; as also acknowledged in the said book, produced by Master Thomas Sandilands, wherein the said Mr James Carmichell granteth the receipt of these, with some other books of the Assemblies.

XI. The registers produced, are the registers of the Assembly, because in Anno 1586, the Assembly complaineth that their registers are mutilate: which hath relation to Richies third book, which is lacerate and mutilate in divers places without any interveining of blank paper, or any mention of hie deest.

XII. If these were not principall registers, the enemies of the puritie of Gods worship, would never have laboured to destroy the same: which notwithstanding they have done; as appeareth by the affixing and battering of a piece of paper upon the margine, anent a condition of the commission not to exceed the established discipline of this Kirk, subscribed by the Clerk, book 3, page 147. And the blotting out the certification of the excommunication against Bishop Adamson, book 4, page 30, who in his Recantation generally acknowledgeth the same: but which, without that recantation, cannot be presupposed to have been done, but by corrupt men of intention to corrupt the books, which were not necessary, if they were not principall registers.

XIII. In the Assembly 1586, the Church complained upon the Chancelour his retention of their registers, and desired they might be delivered to their Clerk, which accordingly was done; as a memorandum before the beginning of the first book, bearing the redeliverie of these foure books to Master James Richie, Clerk, proportioneth; which clearly evinceth that these foure books are the registers of the Assembly.

XIII. The said fifth book and greatest volume, is also marked on the margine, with the hand-writ of the said Mr. James Carmichell (which is cognosed) who was appointed to peruse the books of the Assembly as said is, and would not have margin-

ed the same by vertue of that command, nor extracted the generall acts out of it, if it were not an approbation thereof, as an authentick and famous book.

XV. The said fifth volume doth agree with the other foure books, in all which is extant in them, and marketh the blanks, which are laeerate and riven out of the same; and compleateth all what is lacking in them.

XVI. In the book of Discipline pertaining to Master James Carmichell, subscribed by himself, and Master James Richie, there are sundry acts and passages quotted out of the said fifth great volume, saying, It is written in such a page of the book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other; so that Master James Carmichell reviser of the Assembly books, by their command, would not alledge that book, nor denominate the same a book of the Assembly, if it were not an authentick famous book.

XVII. Though the corrupt nature of man hath been tempted to falsifie particular evidents, yet it hath never been heard that any whole register hath ever been counterfeited; neither can it be presupposed that any will attempt that high wickedness, seeing the inducements answerable to that crime, can hardly be presupposed.

XVIII. It is certain, and notour to all these who are intrusted with the keeping of the publick records of the kingdome, that the same are never subscribed by the Clerk, but only written and filled up by servants, and most frequently by unknown hands, yet they and the extracts thereof make public faith, and the same are uncontrovertedly authentick registers; and when the most publick registers of the kingdome shall be seen, and compared with these registers of the Assembly, it shall be found that these other registers of the most soveraigne judicatories ever unsubscribed are more incorrect, oftner margined, scored, and interlined, made up by greater diversitie of unknown hand-writs, than these books of the Assembly, which by speciall providence are preserved so intire, that in the judgement of any man acquainted with registers, they will manifestly appear at the very sight to be true, famous, and authentick.

XIX. The fame and credit of ancient registers in this kingdome, is so much revered, that if any extract be different or disconforme from the register, that extract, albeit subscribed by the person who for the time had been of greatest eminence in the trust of registers, will be rectified, conforme to the register, and have no force, so far as it debordeth there-from; although the registers be written with an obscure, unknown hand, and unsubscribed.

II.

IN THE GENERAL ASSEMBLY HOLDEN AT EDINBURGH, A.D. 1639.

Sess. 18. 26. August 1639.

ACT APPROVING AN OLD REGISTER OF THE GENERALL ASSEMBLY.

The whole Assembly (upon the report made to them anent the old Register of the Assembly, gotten from Master John Rig) All in one voice approved the said Register, And ordained the same to make faith in judgement, and out-with, in all time coming, as a true and authentick Register of the Kirk of Scotland, conforme to the testimonie subscribed by the Committee, to be insert in the Books of Assembly: whereof the tenor followeth;

We under-subscribers, Forsameikle as the late Generall Assembly holden at Glasgow, gave power and Commission to us, To peruse, examine, and cognosce upon the validity, faith, and strength of the books and Registers of the Assembly, particularly set down in the Commission given to us thereanent: According whereunto we did carefully view, peruse, and consider the saids Registers, and gave our testimony thereof under our hands, of the validity and sufficiency of the samine, to the said Generall Assembly. And now having a new Commission given to us from the Generall Assembly now presently convened and sitting at Edinburgh, To peruse, examine, and cognosce upon the validity, faith and strength of another Register of the Assembly, which was not set down and recommended to us by the said former Commission, which Register beginneth at the Assembly holden at Edinburgh the sixth day of March 1572, and endeth at the Assembly likewise holden at Edinburgh 1573; We have carefully viewed, perused, and considered the said Register: And being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our consciences declare to the world, and this present Assembly, That the said Register above exprest, is a famous, authentick, and good Register, which ought to be so reputed, and have publike faith in judgement and outwith, as a valid and true Record in all things, And finds the same to be of the same hand-writ, and subscribed by the same Clerk of the Generall Assembly, as divers of the said other Registers (formerly perused by us) are. And in testimonie of our solemne affirmation we have subscribed these presents with our hands, at Edinburgh the day of August 1639.

III.

EXTRACTS FROM THE PROCEEDINGS OF THE COMMISSION OF THE GENERAL ASSEMBLY
1651.Perth, 4 Ja^{ry}. 1651. Ante meridiem.

ACT CONCERNING THE SECURING OF THE REGISTERS.

The Commission of Assembly being desyred by my Lord Register in his letter, and by the Clerk, to consider what they thought fitt to doe with the Registers of the Kirk, which for securitie were putt in the Castle of Edinburgh, seing that hold was now surrendered to the Enemie: And they having taken it into consideration, doe appoynt the Clerk with all diligence to bring the Registers over to this syde of the water, that they may be once out from the enemies hands: And thereafter that he, with advyse of the Moderator and the Lord Register, take some course for their securitie and preservation in this tyme of danger; committing it to their special care; and that report be made thereof at the next meeting. (Minutes, p. 160.)

(LETTER FROM SIR ARCHIBALD JOHNSTON, LORD CLERK REGISTER,
ABOVE REFERRED TO.)

RIGHT REVEREND,

The parlment commands me to taikie their Registrars to Stirling Castel, tho I think they would be saifer in Dumbarton Castel, or in the Basse, provyding they be weal garrisoned and victualled. I desyre to know the advyce of the Commission whair to putt the Registers of the Kirk, as may lead most to their preservation and my exoneration: so leaving all vther things to the bearer, I rest, your humble servant,

A. JOHNSTON.

Edinburgh, 30th December [1650.]

To the Right Reverend Mr Robert Douglas, Moderator of the Commission
of the General Assemblie, at Perth.

Sanct Androis, 24 Ja^{ry} 1651. Post meridiem.

ACT FOR SECURING THE REGISTERS.

The Commission of the Generall Assembly vnderstanding by the Clerk that the Kirk Registers which were in the Castle of Edinburgh, were now brought to this side of Forth, according to a former order; and that it is the earnest desire of the Lord Register by his letter, and of the Moderator and Clerk, to whom the care of securing them was committed at the last Meeting: That now the Commission would themselves preserue what they thought fitting to be done for their security and preservation in this tyme of danger: Therefore they doe appoynt them to be putt in the Basse, to be preserved there; and the Laird of Wauchton, to whom that strength belongs, being personallie present, most gladlie offered to receave them, promissing his outmost care to secure and preserve them from all danger. (Minutes, p. 212.)

FALELAND. 23 Aprile 1651. Post meridiem.

ACT FOR THE KIRK REGISTERS.

The Commission of Assembly having heard by the Clerk, that according to their former order, he had putt the Kirk Registers in the Basse; onlie the great volume, which is a double of sundrie of the old Registers, he had not putt there by the advise of the Lord Register, conceaving it was more fitting, sieing it was a double, and made an authentick Register at Glasgow, that it should rather be putt in some other sure place, than to be kept in the same place with the remanent books and registers. The Commission of the Assembly being verie glad and well satisfied that the Registers were now, in this time of trouble and danger, in the Basse, doe approve well thereof, and of the advice given by the Lord Register, and the course taken by the Clerk, for keeping that great volume, which is an authentick double of the Acts of diverse Assemblies, from the remanent Registers, to be putt in some other sure place: And do appoynt the Clerk to putt the same in Dunottar, to be kept there safely: And that the Moderator speak or writt to the Earle Marschall, that his Lordship may be pleased to give order for receaving and securing thereof in that place carefullie. (Minutes, p. 317.)

IV.

EXTRACTS FROM THE PROCEEDINGS OF THE SYNOD OF LOTHIAN AND TWEEDDALE,
1593—1595.

AT THE SYNOD OF LOTHIAN AND TWEEDDALE, HELD AT DALKEITH, 3 APRIL 1593.

Sess. 3^{da}. iiij Aprilis 1593.

TRYELL OF THE PRESBYTERIE OF HADINGTONE.

Item being accusit that sum of thair brether, and in speciall, Mr James Carmichel, had nocht made the exerceis sen the last Assemblie, answerit: That Mr James was continewellie burthenit with the common cause of the kirk, quhairunto be the kirk he was employit. The Assemblie, (i. e. The Synod) finding his employment in the common turnis to haif drawin him away from the discharge of his awin calling, dischargis the said Mr James of the samin, and ordains that he awaitt vpon the cure of the kirk of Hadingtone.

Ordanis Mr James Carmichel to collect the Acts of the Generall Assemblie, that euerie brother may haif the copie of thame.

AT THE SYNOD, &c. AT EDINBURGH, 2D OCTOBER 1593.

Sess. 3^{da}. 3 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining Mr James Carmichell, according to his promeis, to collect the Acts of the Generall Assemblie, that euerie brother may hawe the copie of thame: And the brether of that Presbyterie [of Hadingtone] reporting that thai vnderstand Mr James to be diligent in that wark, it is ordanit that thai trawell with the said Mr James to perfyte the wark.

AT THE SYNOD, &c. AT DUNBAR, 3D APRILIS 1594.

Sess. 3^{da}. 3 Aprilis.

Anent the ordnance maid in the last Assemblie, ordaining the brether of the Presbyterie of Hadingtone to trawell with Mr James Carmichell, for collecting the Acts of the Generall Assemblie: According heirunto the said brether declaring that thai had trawellit with the said Mr James, quha had the said Acts in reddines: It is ordanit that he present thame to the Presbyterie of Edinburgh.

AT THE SYNOD, &c. AT EDINBURGH, OCTOBER 1594.

Sessio 3^{ta}. 2 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining thair brother Mr James Carmichael according to his promeis to have the extract of the Acts of the General Assemblie and to present thame to the Presbytrie of Edinburgh. According herevnto the said Mr James declairing that the said Acts wer in reddines gif he had the help and assistance of a wryter to help him in the wark. The Assemblie appointis the brether Thomas Greg and Daniel Wallace to assist and help the said Mr James in vryting and thairefter that the said Mr James present the said Acts to the Presbytrie of Edinburgh betuix and Februar nixt.

AT THE SYNOD, &c. AT MUSSILBURGH, APRIL 1595.

Sessio 3^a. 2 Aprilis.

Anent the ordnance maid in the former Assemblie ordaining Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the Acts of the Generall Assemblie. According heirynto the said Mr James declaring that he had perfyttit twa warks, the thrid remanit, quhilk he producit before the Assemblie. Quhilk being sichtit, It is ordainit that he do quhat lyis in him to perfyte the haill wark betwix and the nixt Generall Assemblie, and for this purpos the brether appointit in the former Assemblie to assist him in vryting.

AT THE SYNOD, &c. AT EDINBURGH, OCTOBER 1595.

Sessio 4^a. (9 October.)

Anent the ordinance maid in diners assemblies of before ordaning thair brother Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the acts of the Generall Assemblies. According heirynto the said Mr James being inquirytt quhat he had done in the said wark, declairit that as yet he had not perfyttit the same, the Assemblie desyritt that he wald do quhat lay in him to perfyte the same ; and hes appoyntit thair brether Thomas Greg and Daniel Wallace to help him in vryting.

V.

EXTRACTS FROM THE PROCEEDINGS OF THE SELECT COMMITTEE OF THE HOUSE OF
COMMONS ON CHURCH PATRONAGE, 1834.Mercurii, 23^o die Aprilis, 1834.

Resolved,—That Mr. A. Johnston, the Reverend Dr. Lee, the Reverend Dr. Welsh, Mr. James Chalmers, of London, and the Reverend Principal Macfarlane, be requested to proceed to Sion College, London Wall, for the purpose of inspecting the books presented to the trustees of that College by the late Mr Campbell, and to report to this Committee if in any or in what degree, these books afford information connected with the inquiry on Church Patronage in Scotland.

(signed) *Geo. Sinclair*, Chairman.

Veneris, 25^o die Aprilis, 1834.

The Rev. *John Lee*, D.D., again called in; and examined.

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Since I had formerly an opportunity of giving evidence before the Committee, I have had access to the Records of the Church of Scotland in Sion College, London, and I am fully satisfied that those volumes (which I am quite certain are authentic records) contain a great mass of information in a more complete and certainly in a more correct form than anything that has been exhibited in any of the publications upon the subject which I have ever seen. In particular, I may state that there are some of the proceedings of the Assembly, or rather Convention, of 1562, which have for at least 100 years been a matter of dispute; one entry has been quoted by several authors with relation to the Bishop of Galloway, Mr. Alexander Gordon, who, it is said by Calderwood, was refused admission to the office of superintendent because he had not observed the order of calling superintendents, and in the meantime was required to subscribe the Book of Discipline. That any such order was communicated to him has been strongly denied by some of the controversial writers upon the subject, and not without reason, because the book, which in Scotland was looked upon as the transcript of an authentic record of the Church, does not contain any such fact.

At the same time, I may now state with confidence, that this particular is inserted in the Record of the Church, though not by any means in the form in which it has been quoted by different writers. I perceive that there are other entries on the same subject which are much more detailed in those volumes than they are in any of the books in the possession of the Assembly; but from the short time during which I had an opportunity of inspecting the volumes, I cannot be expected now to furnish any particulars of importance. I merely refer to these books as sources from which authentic information may be derived.

At what period does the date of that book commence, and to what period does it extend?—It consists of three volumes; the first begins with the first General Assembly of the Church of Scotland in 1560, and ends in the year 1589; it contains nearly 1,300 pages, each of which is more crowded with matter than a page of this book which I now hold in my hand, and the number of pages in this book, extending to the same period, is about 380. The second volume begins with the year 1590 and ends in March 1596, or according to our present computation, 1597. The third begins with May 1597, and ends in August 1616. These books embrace the whole period between 1560 and 1616. Here is an abstract of the contents of the whole books made before they were deposited in Sion College; it contains a fac-simile of the manner in which the books are attested both at the beginning and end.

Can you produce the Report of the Committee appointed to inspect the books belonging to Sion College?—This is the Report, which I now beg to give in.

[*The Witness delivered in the same, which was read, as follows :*]

London, 24 April 1834.

In obedience to the order of the Committee of the House of Commons on Church Patronage, Scotland, we have this day, within the Library of Sion College, London Wall, inspected three books, in manuscript, bearing to be records of the proceedings of the General Assembly of the Church of Scotland, from 1560 to 13 August 1616. We have also read the deed of agreement, by which said books were gifted by Mr. Archibald Campbell to the trustees of Sion College; and we crave leave humbly to report, 1st, That in our opinion, these Records are the genuine and authentic register of the proceedings of the General Assembly of the Church of Scotland, for the above period; and, 2d, That they contain much information connected with the enquiry on Church Patronage in Scotland.

*And^{we} Johnston. John Lec.
D. Macfarlan. Ja. Chalmers.*

Perhaps I may be allowed to state in addition, that the Committee were at pains to compare the earliest and most important volume with a document which I formerly produced before the Committee, containing, along with other matters, the Book of

Discipline, which belonged to Mr. James Carmichael, minister of Haddington. This document is referred to in the Acts of the General Assembly, 1638, in which the reasons for considering that earliest volume an authentic register are inserted; and not only did the book appear to be in the hand-writing which is stated in the Acts of the Assembly to be at least partly found in it, but it likewise contained passages which are there said to be found in particular pages marked by Mr. James Ritchie, the Clerk of the Assembly. The passage is very remarkable, but it would detain the Committee perhaps to mention it, though if any report is to be given upon the subject it might be material. It is stated in the printed Acts of the General Assembly, 1638, that what is called "the 5th book and greatest volume is marked on the margin with the hand-writing of Mr James Carmichael, which is cognosced, who was appointed to peruse the books of the Assembly, and would not have margined the same by virtue of that command, nor extracted the general acts out of it, if it were not in approbation thereof as an authentic and famous book. In the Book of Discipline pertaining to Mr. James Carmichael, subscribed by himself and by Mr. James Ritchie, there are sundry acts and passages quoted out of the said 5th great volume, saying it is written in such a page of the Book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other; so that Mr. James Carmichael, reviser of the Assembly Books by their command, would not allege that book, nor denominate the same a book of the Assembly, if it were not an authentic famous book." Now this little volume to which I have referred contains references to pages 839, 873, and 828, all of which on comparison were found to correspond with that earliest record.

Have you any further particulars to communicate collected from the inspection of the books at Sion College?—No, I think that nothing occurs to me, except that the second and third volumes are subscribed in a hand-writing which is well known to me, that of Thomas Nicolson, who was long Clerk of the Assembly; and on a former occasion I had an opportunity of comparing the hand-writing of that individual with the hand-writing which is upon these two volumes.

Veneris, 2^o die Maii, 1834.

The Rev. Robert Watts, junior, called in and Examined.

Have you any communication to make to the Committee with regard to the order that was transmitted for sending the books at Sion College to this Committee?—I was directed to give the Committee this paper for their inspection.

[*The Witness delivered in the same, which was read, as follows:*]

At a Meeting of the Governors of Sion College, holden on Thursday, the First day of May 1834;

Present—The Rev. Mr. Burgh, President;
 Mr. Bellamy, }
 Mr. Saunders, } Deans;
 Mr. Beresford, Assistant:

The Secretary stated, that he had summoned this court in consequence of the Rev. Robert Watts, junior, Assistant Librarian having received a summons from a Select Committee of the House of Commons on the Patronage of the Church of Scotland, to produce the three volumes of the Book of the Church of Scotland, gifted by the late Mr. Archibald Campbell, and also the deed of gift of the said books.

Upon which the Court took this matter into their consideration; and the deed of gift being read,

It was resolved,

That this Court are extremely anxious to comply with the order of the Committee of the House of Commons, so far as is consistent with the trust under which they hold the books, and are therefore willing that any inspection of them should take place, and that a transcript should be made of the said books by such persons as the Committee may appoint, but that the deed of gift expressly restricts them from parting with the custody of the books themselves.

That the Rev. Mr Watts, junior, do attend the said Committee to-morrow, and produce to them the deed of gift; and humbly express to them the opinion of this Court, which has been corroborated by that of Sir Nicholas Tindal when solicitor-general; and that this Court trust the Committee will not compel them to part with the custody of the manuscripts, in express violation of their trust.

Have you any thing further to state to the Committee upon this subject?—With regard to the deed of gift, just at the conclusion of it, the Committee will observe, that the copies are directed to be made in the Library; that is the part upon which the directors found their desire not to give them up. It is implied, at least their legal advisers say so, that they are not to let them go out of the Library.

[*The Witness withdrew.*]

The Witness was again called in, and informed that the Committee had resolved that the books should be produced on Monday next.

Lunæ, 5^o die Maii, 1834.

The Rev. Robert Watts, Junior, called in, and further examined.

Will you produce the books which you were ordered to produce on the last occasion?—These are the books.

Will you have the goodness to state what those books are which you produce?—Manuscript Records of the Kirk of Scotland.

How many volumes are there, and of what date?—Three volumes; from 1560 to 1619.

[*The same were delivered in.*]

[*The Witness withdrew.*]

The Witness was again called in and informed, that the Committee wished the books to lie upon the Table for their inspection, and that the Committee would send to him when they wished them to be returned.

VI.

THE FOLLOWING LIST OF THE ORIGINAL BOOKS OF THE GENERAL ASSEMBLIES OF THE CHURCH WILL SERVE TO EXHIBIT IN ONE VIEW THEIR DATES AND HISTORY.

- | | |
|------------------------------------|-----------------------------------|
| 1. Dec. 20, 1560 to Dec. 28, 1566. | } Produced in 1638 by Warriston. |
| 2. June 2, 1567 — Aug. 9, 1572. | |
| 3. March 6, 1572 — March 6, 1573. | Produced in 1639 by Rigg. |
| 4. Aug. 7, 1574 — July 1579. | |
| 5. July 12, 1580 — Oct. 1583. | } Produced in 1638 by Warriston. |
| 6. May 10, 1586 — March 1589. | |
| 7. Aug. 1, 1590 — May 17, 1597. | } Produced in 1638 by Sandilands. |
| 8. March 7, 1597 — Aug. 13, 1616. | |

Of these eight Original volumes, the four recovered by Warriston and produced to the Assembly 1638, viz. the first, second, fifth, and sixth, and that produced by Rigg in the Assembly 1639, being the third of the series, have not been traced beyond their transfer from the Bass to the Tower of London. Of the fourth original volume, no trace whatever has been found. In the Assembly 1638, it was evidently conjectured or supposed to be in the possession of Archbishop Spottiswood. The two original volumes, viz. the seventh and eighth, obtained by Sandilands from the Archbishop, and produced to the Assembly 1638, together with the large duplicate volume, recovered by Warriston, were certainly those ultimately destroyed in 1834.

VII.

DOCUMENTS REFERRED TO IN THE PREFACE, PAGE IX.

1.—LETTER FROM MR WILLIAM GRANT OF PRESTON-GRANGE, PROCURATOR OF THE CHURCH, MAY 3, 1733.

To the very Reverend Moderator of the General Assembly of the Church of Scotland at Edinburgh.

REVEREND SIR,

The Commission of the last General Assembly, by their Act of the fourteenth of March last, did appoint me to take a view of a Manuscript of the old Acts of Assembly, and if I judg'd them true and authentick, to cause the same to be transcribed.

In obedience to this appointment, I have several times view'd the Mss. and confer'd with Mr Campbel, the Proprietor of them; but neither can I take upon me to judge whether they are true or authentick, tho' to be copy'd I think they would well deserve. But the Gentleman insists on other conditions than were at first explained or made known to the Commission, or to me till I saw him here. All therefore that I can do, is to explain as well as I can at a distance, what these Mss. are, and upon what terms we can have the Mss. or a Copy of it; and then the General Assembly may judge what shall be done.

To give you some view of the contents of these Books, which are three Volumes, one greater, and two smaller, and all in Folio, I have employ'd one to take a note of the several Assemblies, their date of commencement, and number of Sessions, and the time appointed for the meeting of the next Assembly, as oft as that is found in the Mss. And a great part of this Abstract I have myself compar'd, and corrected by the Mss. itself, and the rest caus'd to be done by another than the transcriber. He has likewise set down the words prefixed and subjoin'd to the great Volume, which appears to be sign'd by A. Johnstoun of Waristoun; and the Title prefixed to the 2d Volume; and the names of Moderators; and the places where subscriptions appear in the Mss. This was the best view that I could think of giving, such as could be sent in a letter. Any account or abstract of the contents or matters of the Acts themselves would have been bulky, and required time to prepare.

The subscriptions appear to me to be true and original. Those of Waristoun to the first Volume I compar'd with three other authentic Subscriptions of his, fur-

nished by his son the Secretary; and with these the Mss. agrees, except in the (hon) h*, which is thus writ in the Book, tho the others have no such tail subjoined; yet the air and appearance agree together; and perhaps that singularity was added to his Office-Subscriptions, to distinguish these from his ordinary ones. The other two Volumes are both signed by T. Nicolson; but I had nothing to compare these with, tho they have likewise the appearance of originals.

Such are these Mss. and upon them the Hon. Mr Archibald Campbell, the owner, sets a very high value; and declares his resolution, that if he shall not part with them, or publish them in his own lifetime, he will take care that they shall be carryed out of this Kingdom, where they cannot be come at, after his decease.

His present Resolutions and demands are these:

That in case encouragement shall be given for printing the Mss. he will then allow it to be copied in order to Publication, and not otherwise.

That the General Assembly shall be at the charge of making a Copy for the Press, which will cost about £30 St^{rs}.

That being published, the General Assembly may retain the Copy that shall be so made, and collated with the Original; and shall further have the refusal, or first offer of the Original Mss. itself, they being willing to give him the same price for it, that he can get from any other person.

What will be encouragement sufficient for printing it, you'll see by Mr Millar the Bookseller's Proposal; and it is in case 300 Subscriptions shall be obtained in Scotland.

At the same time, it is not meant or desired that the Publication should be by authority of the Church, as if these were cognosed and judged authentick Registers; but merely as the act of the private Proprietor of the Mss.

Mr Campbel thinks, that for the Mss. itself, even after it is printed, he can get a hundred Pounds St.

Thus I have laid before you the case as it stands, and shall not presume to offer any opinion. The Mss. appears to be valuable, and well worth having, either the Principle, or an Authentick Copy, if it could be had on reasonable terms. And the question to be determined is, Whether the value of this, or the difference betwixt this and such other Mss. as we have already in Scotland, be worth the purchasing on the terms above mentioned.

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I am, with great respect,

REVEREND SIR,

Your most Humble and most Obedient Servant,

WILLIAM GRANT.

London, May 3d 1733.

* See fac-simile of Wariston's signature, page XLVI.

2.—PROPOSALS FOR PRINTING BY SUBSCRIPTION—THE ACTS OF THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND FROM THE REFORMATION TO 1616 INCLUSIVE, IN 2 VOLS. IN FOLIO.

- I. This Book will contain about 200 Sheets, and will be printed on a good Paper and Letter.
- II. The Work shall be put to the Press so soon as 300 Copies are subscribed for, and it shall be Published in Six Months after such a number is procured.
- III. The Price to Subscribers to be 2d $\frac{1}{2}$ Sheet, but as the number of Sheets it will make is uncertain, half a Guinea is proposed to be paid down, and the Remainder on the Delivery of a Book in quires.
- IV. Those who subscribe for Six shall have a Seventh Gratis.

N.B. The Names of the Subscribers shall be Printed before the Work.

Subscriptions are taken in by And^w Millar Bookseller, against St Clement's Church in the Strand, London: and by Gavin Hamilton, Bookseller in Edinburgh.

3.—MR WODROW'S LETTER ANENT REGISTERS. OCT. 29, 1733.

DEAR SIR,

Yours of 10 did not reach me till the 17. I have carefully perused all the Papers you so kindly send me, and have collated the Table which I see hath 2 or 3 errors in it,—John Hay for George Hay, and some others. The abstract gives some more light; but if it had noticed the first and last words of every Session, it would have afforded much more.

Now I am satisfied, The Record in Mr Campbells hands, is distinct and a different copy from these we have in Scotland: But whether the differences be so considerable betwixt them as to answer the high price he sett's on his Mss. I cannot yet judge. Indeed I hesitate much upon it.

Before I come to give you the defects I observe in my copy, which I suppose agrees very much with that Dr Fraser sent down, and the 5 or 6 others we have, let me observe from the printed Acts of Assembly 1638, p. 3. line last. Fol. edit. that at that time there were many copys specially of General Acts then extant, which they say agree with the Registers which they are proving to be authentick. Of this kind I take our present copys to be. These Acts of general use were appointed to be extracted by Mr Craig and others about 1592: But whether our copys be that extract I cannot say. They seem to be very large, and contean many things as to particular persons, one would think are of no general use.

The observations that offered themselves to me, upon collating the large Abstract

and short Table with my copy are these. The adjournments in the Record are pretty often wanting in the copy. The Moderators alwise agree. The Title of the Assemblys differs more in words then in sense as far as the Abstract goes. The Record generally leaves out Superintendants, Ministers, and Commissioners from Shires and Countrys, which is pretty often in the Title of the copy. Two things make the Table the more useless to me in this collation. The Copy pretty often agrees in the number of Sessions; but then it leaves severall of them. It will have Sess. 1 & 3 & 6. and yet they agree in the totall number; and its probable from the Abstract 1562, that Sessions in one Assembly are putt together, without numbering; and perhaps the Table is taken from the last number of the Record, and may want some of the intermediat Sessions. Some of the differences I have observed between the Record and Copy are as follow.

Ass. 1563, Decr. 25, Session 2d is wanting in the Copy.

— 1564, June 25, Session 3d is wanting in the Copy.

In both these the Mss. Calderwood hath extracts which the Copy wants. From this and Calderwoods numbering every Assembly exactly the same way with the Table, I guess Calderwood hath made his extracts from the Records.

Ass. 1567, July 21. Sessio 4 & 5 wanting in the Copy.
Calderwood hath extracts out of the 5 Session.

Ass. 1567, Dec. 25. 6 & 7 Sessions wanting in the Copy.

Calderwood hath extracts from both.

Ass. 1568, Feb. 25. The dates of the dayes of the Sessions differ, and the Copy wants Sess. 6. which Calderwood hath extracts from.

Ass. 1569, July 4. Sessio 4 is wanting in the Copy.

Calderwood also hath extracts from it.

Ass. 1569, March 1. The Copy wants Sess. 4 & 5. 6.
which Calderwood also gives extracts from.

Ass. 1570, July 5. Sess. 6, is wanting in Copy.

— 1570, Mar. 5. Sess. 6, is wanting in Copy.

— 1570, (1571) Aug. 6. Sess. 3 & 4 wanting in Copy.

— 1571, Jan. 12. Sess. 4, 5, 6, wanting in Copy.

— 1571, March. Sess. 4 wanting in Copy.

— 1572, August. Sess. 4 wanting in Copy.

— 1572, March 6. Sess. 2, 4, 5, wanting in Copy.

Calderwood gives extracts of some of these, but not alwise. About this time Bishop Adamsons lacerations begin.

Ass. 1572, August 6. Sess. 4 & 5 wanting in Copy.

— 1573, March 6. Sess. 2, 4, 6, wanting in Copy.

— 1574, August 7. Sess. 4 & 5 wanting in Copy.

Here the Abstract ends. I doubt the Table is not so exact. However in what follows, I notice these differences.

Ass. March 1574. Copy wants Sess. 2, 3, 4, 5, 6, 7. This I imagine is one of Adamsons tearings.

In severall Assemblys the Record hath a Session or 2 more than the Copy, as Ass. 1575, 1578, 1583, 1587, 1591, 1600.

Ass. 1610, The Record hath 5 Sessions. The Copy hath no distinction.

Ass. 1616, Record hath but one Session. Copy hath 18 Sessions. Neither Record nor Copy have the Assembly at Perth 1618. Calderwood hath it.

Upon the whole, I am ready to think, that the differences are not very great between the Record and our Copys; and that Calderwoods Mss. will very much supplye these defect of this. I shall be in better case to write when I collate my Copy with Calderwoods Mss. as I incline to doe this winter, if I recover my further strenth, which is but uncertain, severall lesser tumors rising upon my breast.

Under your correction, and the Committys that have this matter before them, I shall offer my present thoughts upon the whole.

The Great Book now in the Honorable Mr Campbells hands, in my opinion, is the 5 Register which is named Act. Ass. 1638 p : 2 : called the Greatest Volume, and declared free of all prejudice and suspicion, and to be received with credite, as margined by the hand write of the Clerk, and agreeable to the 4 preceeding Books. At first when I read the Abstract you sent me, and observed in your letter that S. Subscribitur is not added to Gray's subscriptions, as in my Copy, I inclined to think this volume to have been the 4 volumes mentioned by the Assembly 1638 bound up in one. But besides Lord Warriston's declaration, that this is the Great Book, that is the Greatest of the 5, and the 5th Register, the division of the Tomes in the Table doth not agree with the volumes mentioned in the Acts of the Assembly 1638. You will see page 2d, that the 2d Register and 2d Tome in the Table end Assembly, August 1572. And the 3d Register lying before the Assembly 1638, conteans the Assemblys from 1574—1579, which is the 4 Tome of the Copy in the Honorable Mr Campbells hands. And in the Registers before the Assembly 1638, there is a gap between 1572 and 1574, which youll see by the Table is made up in Mr Campbells Record, Tome 3d. So that its impossible this Record can be the same with the 4 volumes lying before the Assembly 1638, and declared to be famous, authentick and good Registers by them : Besides in the Table the 5 Tome conteans the Acts of Assemblys from 1579 to May 10, 1586, which are wanting in the 4 volumes of Registers before the Assembly 1638: And so this greater volume conteans these years which were not in the authentick Registers; and then the 6 Tome comes in as the 4 volume of Registers before the Assembly 1638 : So that I am pretty positive this Record is not the authentick 4 volumes of Registers, but the greatest volume the Assembly 1638 speaks of. All which is confirmed from the description given, Acts of Assembly 1638, p. 3 a medio, " That this greatest volume conteans the Acts from 1560—1590, and agrees with the 4 Books and Registers, as farr as is extant in

them; and further recordeth what is wanting by them, passing by what is mutilat in them;" that is Bishop Adamsons tearings.

These remarks, I think, settle the point, that Mr Campbells Record is not the Principal Authentick Acts before the Assembly 1638, but a Copy of them signed on the Margine by Mr James Ritchie, the Clerk, and copied by his servant, which are declared by Assembly 1638 to be conform to the Registers, and free of all suspicion, and deserving credite.

When I am upon this, youl be pleased to inspect the Copy Dr Fraser sent down to Colledge, and particularly the subscription. I mind on my transient view of it, its signed Nicholson: But I dont mind, whether it be James Nicholson or Thomas Nicholson. If Thomas Nicholson, I make little question but its a Copy taken off the originals then in their hands, by that Gentleman who was 3d Clerk to the Assembly. If James Nicholson, he was Moderator of the Assembly 1595; and it may be, hath been a copy taken for his use at that time. You can only judge of this by ocular inspection.

However this be, I am of opinion, this ought to be signified in your correspondence with the Honorable Mr A. Campbell, that his Record is not the original Registers before the Assembly 1638; but only the Greater Book, which is declared worthy of credite: because they collated it with the Original Records. This ought at least to bring down his very high demands, for his Mss. the wanting of S. Subscritur to Grayes subscription will not ballance what is above, and might be a slip of the Transcriber.

Allow me only to add, that before you can deal with Mr Campbell to any purpose, either your Copy taken off Dr Fraser's must be sent up to London, to be carefully collated by some body of sense with Mr Campbells Record, and the differences carefully marked; at least the first sentence and last of every Session that your Copy wants, should be sett down, if Mr Campbell will allow: or Mr Landon, or any youl imploy, must go through your Copy, and give the Assemblys with their dates, and the first and last words of every Session, with the first and last words, or at least the Tittles of the Principal Papers conteaned in the different Assemblys. For instance, Assembly, April 24, 1581, the 2d Book of Discipline is insert. Assembly, May 10, 1586, a list of Presbitrys through Scotland is insert. Assembly 1590, Agust 4, the list of the members of Assembly are insert. By this collation Mr Campbell will not be wronged, and you will be in case to judge the true value of his Record.

When this is done, if the difference be but trivial between our Copies and his, and especially if we can make them up from Calderwoods Mss. History, I cannot say I would be for giving him above 40 or 50 Pound for his Record, since he will see our Copys are not farr short of it. So much, had we money to give, I wish were given to have one of the Registers approved by the Assembly 38.

If it come out otherwise, then other methods must be taken with an old poor man

not very friendly to our Constitution, and in his opinions already farr gone over to Rome.

In no case I would be for printing the Record, except it were revised by a Com-mitty named by the Assembly; and such things as are not of general use be left out. I gave you my reasons for this when here. There are Acts contradicting one another, and many things unfitt for the public view. And no wonder when the Church was but just emerging from Popish ignorance and confusion; and it was 20 years before Presbitrys were established; and 9 before any regulation was made, who should be members; and generally all came who were Ministers, and well affected to the Reformation, who wer of any rank.

I would be much rather for a collection for the summ that shall be agreed on with Mr Campbell for his 3 volumes. And I hope we are not so low but 2 or 3 hundred Pound might be gathered from Ministers and well disposed persons at Guineas a pice, with a promise of a Copy of the Acts of Assembly of generall use, when the Assembly sees fitt by their orders to print them, which I think might be done. And our friend A. Millar, who hath made this discovery to us, should be considered in that matter. I fear the Churches funds are so much embarrassed, that little can be hoped for from them.

If Mr Campbell should be unreasonable in his demands, what offers to me under correction is, that propper hands should be imployed to deal with Secretary Johnstoun, that the state of the matter should be laid before him; and the Churches claim upon these 3 volumes of Records, signified to him; and even our claim upon him as his father's Representative, for what belonged to the Assembly, and is attested by his father in the Churches name. His claim on Mr Campbell might likewise be urged. In that case, the Secretary might easily deal with Mr Campbell in concert with you here.

All this is proposed in much submission to your better judgement. I only mention these things as hints which may open the dore to somewhat more ripe and digested from you and the Comitty which have this matter before them. I know you will take all as well meant, and make allowances.

Allow me to subscribe myself, D^r Sir,
Your most Humble
And Aff^{ct} Servt.

Eastwood Oct 29
1733.

RO. WODROW.

VIII.

A TABLE OF THE GENERAL ASSEMBLIES OF THE CHURCH TAKEN FROM THE ORIGINAL REGISTERS, AND REFERRED TO IN THE PRECEDING LETTERS.

“The buik of the vniuersall kirk of Scotland quhairin the Acts and Conclusiounes devisit be the Ministaris and Comissionars of the particular kirks thair of are severally expressed and containid.”

“This is the great volume aprovin be the general assemblee at Glascou in November 1638.”



A SHORT VIEW OR TABLE

Of the Generall Assemblies of the Kirk of Scotland from the year of our Blessed Lord 1560, that she reformed from the Church of Rome, to the year 1617, which was fourteen years after King James the Sixt of Scotland's Accession to the Crown of England, taken from the original authentick approved Records of the Kirk for 56 years ; in severall of which Assemblies King James was personally present.

Assemblies.	Places.	Day. Moneth.	Year.	Sessions.	Moderators.
Assem. 1,	Edinburgh,	20 December	1560.	3 Sess.	
Assem. 2,	Edinburgh,	27 May	1561.	3 Sess.	
Conv ⁿ .	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 3,	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 4,	Edinburgh,	25 December	1562.	5 Sess.	
Assem. 5,	St Johnstoun,	25 Junij	1563.	4 Sess.	
Assem. 6,	Edinburgh,	25 December	1563.	6 Sess.	Mr John Willock.
Assem. 7,	Edinburgh,	25 Junij	1564.	6 Sess.	Mr John Willock.
Assem. 8,	Edinburgh,	25 December	1564.	3 Sess.	John Erskine.
Assem. 9,	Edinburgh,	25 Junij	1565.	4 Sess.	Mr John Willock.
Assem. 10,	Edinburgh,	25 December	1565.	4 Sess.	John Erskine.
Assem. 11,	Edinburgh,	25 Junij	1566.	2 Sess.	John Erskine.
Assem. 12,	Edinburgh,	25 December	1566.	4 Sess.	John Erskine.

Endis the First Tome.

APPENDIX.

XLVII

Assemblies.	Places.	Day.	Moneth.	Year.	Sessions.	Moderators.
Assem. 13,	Edinburgh,	25	Junij	1567.	4 Sess.	Mr George Buchanan.
Assem. 14,	Edinburgh,	21	July	1567.	5 Sess.	Mr John Row.
Conv ⁿ . 1,	Edinburgh,	18	December	1567.	3 Sess.	
Assem. 15,	Edinburgh,	25	December	1567.	7 Sess.	Mr John Row.
Assem. 16,	Edinburgh,	1	July	1568.	5 Sess.	Mr John Willok.
Assem. 17,	Edinburgh,	25	December	1568.	1 Sess.	Mr John Knox.
Assem. 18,	Edinburgh,	25	February	1568.	6 Sess.	Mr David Lindesay.
Assem. 19,	Edinburgh,	5	July	1569.	5 Sess.	Mr Wm. Christison.
Assem. 20,	Stirling,	25	February	1569.	1 Sess.	Mr John Spottiswod.
Conv ⁿ . 2,	Edinburgh,	1	Merche	1569.	11 Sess.	Mr John Craig.
Assem. 21,	Edinburgh,	5	July	1570.	6 Sess.	Mr Robt. Pont.
Assem. 22,	Edinburgh,	5	Merche	1570.	6 Sess.	Mr John Hay.
Assem. 23,	Stirling,	6	August	1570.	4 Sess.	Mr Gilbert Gardin.
Conv ⁿ . 3,	Leith,	12	January	1571.	6 Sess.	Mr Gilbert Gardin.
Assem. 24,	St. Andrews,	6	Merche	1571.	4 Sess.	Mr Robt. Hamilton.
Assem. 25,	Perth,	6	August	1572.	4 Sess.	John Erskin of Dwn.

Endis the 2 Tome.

Assem. 26,	Edinburgh,	6	Merche	1572.	7 Sess.	David Fergusson.
Assem. 27,	Edinburgh,	6	August	1573.	8 Sess.	Mr Alexr. Arbuthnot.
Assem. 28,	Edinburgh,	6	Merche	1573.	7 Sess.	Mr Andrew Hay.

Endis the 3 Tome.

Assem. 29,	Edinburgh,	7	August	1574.	10 Sess.	Mr John Duncanson.
Assem. 30,	Edinburgh,	7	Marche	1574.	12 Sess.	Ja. ABp. of Glasgow.
Assem. 31,	Edinburgh,	6	August	1575.	7 Sess.	Mr Robt. Pont.
Assem. 32,	Edinburgh,	24	Apryle	1576.	7 Sess.	Mr John Row.
Assem. 33,	Edinburgh,	24	October	1576.	8 Sess.	Mr John Craig.
Assem. 34,	Edinburgh,	24	Aprile	1577.	9 Sess.	Mr Alexander Arburnot.
Assem. 35,	Edinburgh,	25	October	1577.	13 Sess.	Mr David Lindesay.
Assem. 36,	Edinburgh,	24	Aprile	1578.	10 Sess.	Mr And. Melvill.
Assem. 37,	Stirling,	11	July	1578.	4 Sess.	Mr John Row.
Assem. 38,	Edinburgh,	24	October	1578.	8 Sess.	David Fergusson.
Assem. 39,	Edinburgh,	7	July	1579.	10 Sess.	Mr Tho. Smeton.

Endis the 4 Tome.

Assem. 40,	Dundee,	12	July	1580.	10 Sess.	Mr James Lawson.
Assem. 41,	Edinburgh,	20	October	1580.	13 Sess.	Mr Andrew Hay.
Assem. 42,	Glasgow,	24	Aprile	1581.	10 Sess.	Mr Robt. Pont.
Assem. 43,	Edinburgh,	17	October	1581.	23 Sess.	Mr John Craig.

Assemblies.	Places.	Day. Moneth.	Year.	Sessions.	Moderators.
Assem. 44,	St. Andrews,	24 Aprile	1582.	14 Sess.	Mr And. Melvill.
Assem. 45,	Edinburgh,	27 Junij	1582.	7 Sess.	Mr And. Melvill.
Assem. 46,	Edinburgh,	9 October	1582.	20 Sess.	David Lindesay.
Assem. 47,	Edinburgh,	24 Aprile	1583.	13 Sess.	Mr Tho. Smeton.
Assem. 48,	Edinburgh,	10 October	1583.	16 Sess.	Mr Robt. Pont.

Endis the 5 Tome.

Tomus 6.

Assem. 49,	Edinburgh,	10 May	1586.	18 Sess.	Mr David Lindesay.
Assem. 50,	Edinburgh,	20 June	1587.	18 Sess.	Mr And. Melvill.
Assem. 51,	Edinburgh,	6 February	1587.	18 Sess.	Mr Robert Bruce.
Assem. 52,	Edinburgh,	6 August	1588.	14 Sess.	Mr Tho. Buquhannan.

This is the great Volume aprovin be the Gen. Assemblée at Glascou in November 1638.

A. JONSTON, Cls. Eccl.

*Register of the Acts of the Generall Assemblie of the croipes and zeiris of God
1^m v^e lxxxv—lxxxvii inclusive Be . . . Clark depute y^{to}.*

Assem. 53,	Edinburgh,	4 August	1590.	17 Sess.	Mr Pat. Galloway.
Assem. 54,	Edinburgh,	2 July	1591.	18 Sess.	Mr N. Dalgleshe.
Assem. 55,	Edinburgh,	22 May	1592.	23 Sess.	Mr Rob. Bruce.
Assem. 56,	Dundie,	24 Apryle	1593.	9 Sess.	Mr David Lindesay.
Assem. 57,	Edinburgh,	7 May	1594.	18 Sess.	Mr And. Melvill.
Assem. 58,	Montrose,	24 June	1595.	9 Sess.	Mr James Nicolson.
Assem. 59,	Edinburgh,	23 Merche	1595.	13 Sess.	Mr Rob. Pont.
Assem. 60,	Perth,	1 Merche	1596.	7 Sess.	Mr David Lindesay.

TH. NICOLSON.

Assem. 61,	Dundee,	10 May	1597.	10 Sess.	Mr Robt. Rollok.
Assem. 62,	Dundee,	7 Marche	1597.	13 Sess.	Mr Peter Blackburn.
Assem. 63,	Montrois,	18 Marche	1600.	9 Sess.	Mr Robert Wilkie.
Assem. 64,	Bruntlyland,	12 May	1601.	5 Sess.	Mr John Hall.
Assem. 65,	Holyruidhouse,	10 November	1602.	6 Sess.	Mr Pat. Galloway.
Assem. 66,	Lythgow,	26 July	1608.	8 Sess.	Ja. Law Bp. of Orkney.
Assem. 67,	Glasgow,	8 June	1610.	5 Sess.	John ABp. of Glasgow.
Assem. 68,	Aberdeene,	13 August	1616.	1 Sess.	John ABp. of St. Andrews.

TH. NICOLSON.

IX.

IN THE GENERAL ASSEMBLY HELD AT GLASGOW, 1638.

Act. Sess. 12. December fourth.

THE SIX LATE PRETENDED ASSEMBLIES CONDEMNED.

Anent the report of the Committie, for trying the six last pretended Assemblies: They produced in writ sundrie reasons, clearing the unlawfulness and nullitie of these Assemblies: which were confirmed by the registers of the Assembly, the books of Presbyteries, the Kings Majesties own letters, and by the testimonie of divers old reverend Ministers, standing up in the Assembly, and verifying the truth thereof. The Assembly with the universal consent of all, after the serious examination of the reasons against every one of these six pretended Assemblies apart, being often urged by the Moderatour, to informe themselves throughly, that without doubting, and with a full perswasion of minde, they might give their voices, declared all these six Assemblies of Linlithgow 1606 and 1608, Glasgow 1610, Aberdeen 1616, St Andrews 1617, Perth 1618. And every one of them to have been from the beginning unfree, unlawful, and null Assemblies, and never to have had, nor hereafter to have any Ecclesiastical authority, and their conclusions to have been, and to bee of no force, vigour, nor efficacie: Prohibited all defence and observance of them, and ordained the reasons of their nullitie to be insert in the books of the Assembly: Whereof the tenour followeth.

REASONS FOR ANNULING THE PRETENDED ASSEMBLY, HOLDEN AT LINLITHGOW 1606.

I. From the indiction of it. It was indicted the third of December, to bee kept the tenth of December. And so there was no time given to the Presbyteries, far distant, neither for election of Commissioners, nor for preparation to those who were to be sent in Commission. The shortnesse of the time of the indiction is proved by the Presbyterie books of Edinburgh, Perth, and Haddingtoun, &c.

II. From the want of a lawfull calling, to these who went to that meeting, seeing they were not at all elected by their Presbyteries, but were enjoined to come by the Kings letters. This also is proved by the forsaid books of the Presbyteries, and by his Majesties letters.

III. From the nature of that meeting, which was only a private meeting, or convention, for consultation to be taken by some persons of sundry estates written for, as the Kings letters and the Presbyterie books do acknowledge.

IIII. From the power of these Ministers who were present Their Presbyteries did limitate them: First, That they should give no suffrages in that meeting as a general Assembly. Secondly, That they agree to nothing that may any wayes be preju-

dicial to the acts of the generall Assemblies, or to the established discipline of the Kirk. Thirdly, That they should not agree to resolve or conclude any question, article, or mater whatsoever, the decision whereof is pertinent, and proper to a free generall Assembly. Fourthly, If any thing be concluded contrary thereunto, that they protest against it. These limitations are clear by the Presbyterie books.

V. The acts of this meeting were not insert in the book of Assemblies, as is evident by the registers.

VI. The next pretended Assembly at Linlithgow, 1608, doth acknowledge the Assembly, whereof Master Patrick Galloway was Moderatour, to have been the last immediate Assembly, preceeding itselfe: and that Assembly whereof he was Moderatour, was the Assembly holden at Haly rood-house, 1602. So they did not acknowledge that meeting at Linlithgow, 1606, for any Assembly at all. This is clear by the registers of the Assembly, 1608, in the entrie thereof.

REASONS FOR ANNULING THE PRETENDED ASSEMBLY AT LINLITHGOW, 1608.

I. Manie of the voters in that pretended Assembly had no lawfull commission from the Kirk, to wit, 42. Noblemen, officers of state, Connsellours, and Barrons, also the Bishops, contrare to the act of Dundie, 1597. And one of their caveats. The Noble men were as commissioners from the King, the Bishops had no commission at all from the Presbyteries, for every Presbyterie out of which they came, had their full number of Commissioners beside them, as the register of the Assembly beareth

II. In a lawfull Assembly there should be none but Commissioners from Presbyteries, Burghs, and Universities, and but three ministers at most, with one Elder, Commissioners from every Presbyterie, according to the act made at Dundie, 1597. But in that pretended Assembly, there were foure ministers from the severall Presbyteries of Edinburgh, and Cowper, five from the Presbyterie of Arbroth, as the roll of the said pretended Assembly beareth; whereas there were no ruling Elders sent from Presbyteries, according to the book of policie and act of Dundie.

REASONS FOR ANNULING THE PRETENDED ASSEMBLY AT GLASGOW, 1610.

I. The Commission of the pretended Commissioners to that meeting was null. 1. Because the election of them was not free, seeing they were nominate by the Kings Letters, as the Presbyterie books of Edinburgh, Perth, and Hadingtoun declare. And the Bishop of St Andrews in his letter to some Presbyteries, required them to send such Commissioners as the King had nominate: Assuring them, that none other would be accepted. This the Bishops letter registrat in the Presbyterie books of Hadingtoun doth cleare. 2. And whereas there were no ruling Elders sent from the Presbyteries to that pretended Assembly, as the roll of Commissioners sheweth; yet there were more ministers from sundrie severall Presbyteries than three, as five from Brechen, five from Arbroth, five from Kirkcubright, seven from the Presbytery of

Argyl, foure from the Presbyterie of Cowper, foure from Linlithgow, four from Pasley, four from Hammiltoun, foure from Drumfries, foure from Dunkell; as the register of that Assembly beareth.

II. There were thirtie voters of Noble men and Barrons, beside the pretended Bishops, who had no commission from any Presbyterie. In the fourth Session of this pretended Assembly it is plainly said, That the Noble men and Barrons came to it by the Kings direction.

III. The voting of the commissioners was not free: for by the Kings letter to the Assembly they were threatened, and it was declared that their consent was not needfull to any act to be made there: The King might do it by his own power, yet they were allured to vote by a promise that their good service in so doing should be remembered and rewarded thereafter.

IV. The principall acts which were made, were set down verbatim in the privie conference, which chiefly consisted of the Kings Commissioners and pretended Bishops, and only read to be ratified in the Assembly.

V. Sundrie ministers then present, do now declare, that they knew the ministers who voted the wrong way, to have received their present reward, and that money was largely dealt unto them.

REASONS FOR ANNULING THE PRETENDED ASSEMBLY AT ABERDENE, 1616.

I. There was no election of a Moderatour: but that place usurped by the pretended Bishop of Saint Andrews, as the Register beareth.

II. The indiction of that pretended Assembly was but twentie dayes before the holding of it: so that the Presbyteries and burghes could not be prepared for sending their commissioners: which caused the absence of many Presbyteries and fourtie foure Burghes.

III. There were twentie five noble-men and gentle-men, voters without commission from the Kirk. Mr William Struthers voted for the Presbyterie of Edinburgh, yet had no commission therefrom: The commission being given by that Presbyterie to other three, as the said commission registrat in the books of the Presbytery beareth. And whereas there should be but one Commissioner from every burgh, except Edinburgh, to the Assembly; at this pretended Assembly, there were two Commissioners from Glasgow, two from Cowper, two from St Andrews: whereas there were no ruling Elders having commission from their Presbyteries at that Assembly.

IIII. When the acts of that pretended Assembly were written, the Bishop of St Andrews with his own hand did interline, adde, change, vitiate, direct to be extracted or not extracted, as he pleased, as the scrolls themselves seen doe show; wherefore the clerk did not registrat the acts of that Assembly in the books of Assemblies, as may be easily seen by the blank in the register left for them remaining unfilled.

THE NULLITIE OF THE PRETENDED ASSEMBLY AT SAINT ANDREWS, 1617.

- I. There is no mention of it in the register of the Assemblies, and so no warrant for their commissions, their Moderatour or Clerk.
- II. The indiction of it was so informall, that as the scroll declareth, a great part of the Commissioners from Synods, Burrows, and gentlemen, would not be present.
- III. The Kings Majestie in his letter to Perth Assembly, acknowledgeth it was but a meeting, wherein disgrace was offered to his Majestie.
- IIII. The former corruptions of the foure preceeding Assemblies had their confluence in this and the subsequent Assembly.

REASONS FOR ANNULING THE PRETENDED ASSEMBLY, HOLDEN AT PERTH, 1618.

- I. The Assembly was indicted but twentie dayes before the holding of it: and all parties requisit received not advertisement, as appeareth by their absence. The untimeous indicting of it, is cleared by the Presbytrie books.
- II. There was no election of the Moderatour, as was accustomed to be in lawfull Assemblies; The register cleareth this.
- III. No formal election of their new Clerk.
- IIII. There were five whole Dyocies absent, viz. Orkney, Cathnes, Rosse, Argyll, and Isles: and many Presbyteries had no Commissioners there, as the register of that pretended Assembly beareth.
- V. There were nineteen Noblemen and Barons, eleven Bishops, that had no commission from the Kirk. Whereas the act for constitution of Assemblies, ordaineth every Burgh to have but one Commissioner, except Edinburgh, which may have two, (Act at Dundie, 1597) yet in that pretended Assembly, Perth had three Commissioners, Dundie had two, Glasgow had two, and St Andrews had two: Of the Burghes there were thirte six absent: And for ruling Elders, there were none at all with commission from their Presbyteries. All these things are cleared by the records of that pretended Assemblie.
- VI. The Commissioners from some Presbyteries exceeded their number, prescribed in the act at Dundie, 1597, for the Presbytrie of Arbroath were foure Commissioners, and foure for the Presbytrie of Aughtear-dour: Beside these that were heard to vot, having no commission at all, and some who had commission were rejected, and were not enrolled, but others put in their place without commission.
- VII. The pretended Bishops did practise some of the articles to be concluded there, before the pretended Assembly, in Edinburgh, St Andrews, and other cathedrall Churches, by keeping festivall dayes, kneeling at the Communion. Thus their voices were prejudged by the practise of these articles before condemned by the Kirk, and therefore they should have been secluded from voicing.
- VIII. In all lawfull Assemblies, the voicing should be free: But in this pretended

Assembly there were no free voicing; for the voicers were threatened to voice affirmative, under no lesse pain nor the wrath of authoritie, imprisonment, banishment, deprivation of ministers, and utter subversion of the state: Yea, it was plainly professed, that neither reasoning, nor the number of voices should carie the matter away: Which is qualified by the declaration of many honest old reverend brethren of the ministry now present.

IX. In all lawfull Assemblies, the grounds of proceeding were, and used to be, the word of God, the confession of Faith, and acts of former generall Assemblies. But in this pretended Assembly, the ground of their proceeding in voicing, was the Kings commandment only: For so the question was stated: Whether the five articles, in respect of his Majesties commandment, should passe in act, or not: as the records of that pretended Assembly beareth. Where it is declared, that for the reverence and respect which they bear unto his Majesties royall commandments, they did agree to the foresaids articles.

X. Many other reasons verifying the nullitie of all these Assemblies, were shoven and proven before the Assembly, which needeth not here to be insert.

ADDENDUM—P. 131.

At Edinburgh x of Julij 1568. In the Generall Assemblie and saxt Session thairof.

The haill Kirk assembled, for eschewing of pleyis among brethren, maist hartlie requestis my Lordis President of Session, Secretare, Advocat, Clerk of Registre, Justice Clerk, Lord Provand and Mr Henry Balnavis, or any three of them, to decyde the Controversie that apperandlie may be movit betwix the Maisteris of the New College of Sanctandrois, and Mr Alexander Spens, Mimister of Couper, anent thair pretendit right of the parsonage of Tarvat; and this to be done betwix this day and xvi of August next, to the effect that my Lord Regents G. may give his Gs presentation to the partye having best right.

J. GRAY, Scr.

CORRIGENDA.

Page. Line.

17. 34. *after* Hay insert a comma.
 49. 21. *for* Loathein read Letham (C.)
 58. 9. *delete* and (C.)
 77. 7. *for* John read James (C.)
 96. 7. — Quarters read Commissioners,
 105. 18. — raisit (razed) read ratifeit ?
 106. 37. — 20 read 25.
 145. 7. — found read summoned (C.)
 146. 22. — denounce read demit (C.)
 179. 25. — moderators read modifiers ?
 238. 4. — strain read storm ?
 255. 4. — James read John.
 256. 37. — Beduchie read Benduchie.
 267. 21, 23. — excommunicants read excom-
 municats.
 270. 1. — Haleio read Halero.
 281. 6. — John read James.
 295. 7. — Galloway, Kile, read Galloway,
 Aberdeen, Kile, minister of.
 337. 8. — Edinburgh read Aberdeen.
 368. 6, 7, 8. — John read Gilbert.
 425. 27. — continuance read contumacie.
 425. 30. — voundit read unmeet (C.)
 435. 24. — Etham read Eythan.
 470. 13. — Angus and Marnes read Aber-
 deen and Banff.
 — 24. — Dynneir read Dinmure.
 532. 16. — Tividdail read Tweddail.
 540. 12. — Ramuscraig read Ravinsraig.
 634. 9. — George read Gilbert.
 643. 18. — notwithstanding read not stand-
 ing (C.)
 648. 21. — Clidesdail read Dumbarton :
 in the Nether Ward of
 []: (C.)
 649. 25. — Torrie read Turreff.
 657. 1. — ame read same.

Page. Line.

667. 16. *delete* David (C.)
 687. 2. *for* quarters read Commissioners.
 — 12. — dulterme read due terme (C.)
 716. 27. — Elly read Enzie.
 717. 19. — Logilichan read Logiebuchan.
 — 21. — Gordon read Garden.
 — 29. — Fyfe read Fyvie.
 — — — Locky Damock read Logie-
 durno.
 — 30. — Innerug read Inverury.
 764. 17. — Lundie read Lundle.
 765. 15. — Graig read Greig. M.S.W.
 770. 12. — Endercharitie read Inveraritie.
 795. 11. — John read James (C.) MSS.
 A. W.
 799. 22. — derectour read the Rectour.
 803. 6. — Bondronne read Wynrham.
 813. 10. — octavo read vigesimo octavo.
 815. 15. — presbytery read synod.
 816. 15, 16, 17, 18. *to be delete.*
 824. 24. *for* Trewquhy read Frewquhy.
 — 29. — Kilkell read Kilkill.
 832. 30. — inhite read inlibite. MSS.
 851. 13. *for* Julij read Junij.
 863. 29. *after* Bruce insert Robert Wallace.
 873. 5. *for* Robert Land read Robertland,
 and add [David Cunning-
 hame of.]
 930. 14. — Endercharitie read Inveraritie.
 981. 2. *delete* to.
 5. *for* reformation read information.
 999. 1. *insert* 15 *before* Novembris.
 1124. 12. *for* Howit read Howie.
 1131. 23. — Andro read George.
 1040. 6. — 44 year read 40 year.
 1042. 11. — 45 year read 40 year.
 1082. 35. — 47 year read 43 year.

THE BOOKE
OF THE
UNIVERSALL KIRK OF SCOTLAND:
WHEREIN THE HEADIS AND CONCLUSIUNS
DEVYSIT BE THE MINISTERIS AND COMMISSIONARES
OF THE PARTICULAR KIRKS THEREOF
ARE SPECIALLY EXPRESSED
AND CONTAINED.

A. D. M.D.XCIII.

THE Generall Affemblie of the Kirk of Scotland, convenit at Dundie
the xxiiij day of Apryle 1593.

Exhortatioun being maid be Mr Robert Bruce, Moderatour of the laft Affemblie ; in refpect of the raritie of the brether convenit, it was thoght meit the electioun of ane Moderatour fould be continewit quhill efter nyvne, quhane the number will be mair frequent.

Acta Sellione Secunda, Eodem die.

The Affemblie, according to thair ordour, proceeding to the electioun of ane Moderatour, during this Conventioun, appointit and delytis Mr David Lyndefay, Mr James Balfour, Mr Johne Nicolfoun, Mr Andro Meluill, Mr Patrick Sympfoun ; and, be pluralitie of voitis, the faid Mr David was choffin Moderatour hac vice.

The hours of conventioun, ilk day dureing the Affemblie, war appointit the accuftomeit hours.

And to the effect that all the aëtiouns to be intreitit at this tyme may be mair convenientlie and ordourlie handlit, and mair reddelie difpecht, the Kirk nominat thair bretherne vnderwritin, thay ar to fay, the Lairds of Cammo, Abottifhall, Powrie, Ogilvy, commiffioners of Edinburgh and Lyth, Mr Robert Pont, Mr John M'kenzie, Mr Alexander Dowglas, Mr Gilbert Gairdin, Mr Peter Blackburne, Alexander Keyth, William

Cryftefoun, Mr James Nicolfoun, Johne Dury, Mr Archibald Meluill, Mr Nicol Dalgleifhe, Mr Thomas Buchannane, Dauid Fergufoun, Mr James Meluill, Mr William Rynd, Mr Patrick Symfoun, Mr Robert Bruce, Mr Robert Hepburne, Mr Johne Spoittifwod, Mr William Methwen, Mr Archibald Clayhills, Mr Johne Cowper, Mr Dauid Barclay, Mr Matho Wyllie, Mr Alexander Wreytoun, Mr William Edmeftoun, to conuine daylie with Moderatour in the reweftrie of the kirk, at aucht hours in the morning and tua efter nyne of the preauching dayis, and immediatlie efter the fermone in the preaching dayis, to gif thair adwyfe and counfell in proceeding in materis of this Affemblic.

Acta Sessione Tertia, vigesimo quinto Aprilis 1593.

Foralmeikill as ther is ane Conventioun of the Nobilitie appointit be his Majestie in Edinburgh, the xxvij day of this instant, quher it is thocht meit that certane of the Kirk be present, to propone lick artielis and petitionis as for the tyme falbe thocht meit: Thairfor the Kirk and Affemblic present hes thocht meit to condiscend vpoun sic articles, quhairof ane breif recitle followis, quhilk heirefter ar to be brocht and reduceit in sum guid forme.

First, It is thocht meit to be craveit that all Papeiftis within this realme may be pynifhit according to the lawis of God and of the realme.

Item, That the act of Parliament of ipso facto may strak vpoun all maner of men landit and vnlandit, constitut in office or vtherwayis, als weill as the samyn is speciallic confawit aganis benefeicit perfouns.

Item, That ane declaratour be cravit aganis Jesueits and traficking Papists aganis the trew religioun professit within the realme, quherby thay may be declairit tratours, to this effect the resfateris of thame may be pyn-eift according to the act of Parliament: and sicklyke that ane reformatioun may be of the thrie dayis contenit in the said act.

Item, That all lick perfouns as the Kirk fall find and declair publeclie to be obstinat Papeiftis, althocht thay be not excummunicat, be debarit frome bruing of ony office within the realme, as alsua from acces to his Majesteis companie, and from inioying of ony banefeit of the lawis of the realme; as alsua that the pane of horning and vther ciuell paines may follow vpon the said declaratour, siclyk as alreddie followis vpon the sen-

tence of excommvnicatioun : and that ane act of Counfall presentlie may be maid and publishit therevpon, quhill the nixt Parliament, quher the samyn may be establisht in ane law.

Ordanes the bretherne of the hail Presbiteris quhilks ar present, to gif in the names of all maner of persouns excommvnicat for quhatsumever crime, as als of professing Papeistis, the morne to the full Assemblie.

The Generall Assemblie of the Kirk gevis full power and commissioun to the brether of the Presbiteres of Glasgou and Hammiltoun, or sa mony of thame as guidlie can be convenit togidder, to summond Mr Myrheid to compeir befor thame, with all expedient deligence, at the first dyet within the Toun of Glasgou, to answier for the defectioun of the ministrie, and to proceed according to the tryell and proces led befor thame ; and in caice of ma dyetis nor ane, the plaice to be mytuallie interchangit efter thair assembling ; and to report thair proceeding to the nixt Generall Assemblie of the Kirk.

Anent the commissiouns gevin in the last Assemblie to the Presbitreis of Brichen and Arbrothe ; sicker brether adioynit to thame concerning Mr Walter Lyndefay and his collegeis.

Item to the Presbeterie of Hadingtoun concerning Mr George Ker ; To the Presbeterie of Dalkeyth concerning the Laird of Rolling ; To the Presbeterie of Edinburgh concerning Mr George Semple ; as the particular commissiouns beris. Ane particular report of thair deligence being hard, the saids hail commissiouns wer found to be execut.

Anent the commissiouns gevin to the Presbiteris of Stirling and Dunblane concerning the complaint of the parochiners of Eglisshame : The proceedingis in the mater being presentit in writ be Mr Patrik Symfoun, Minister in Stirling, in respect thay have remittit sum thingis to be considerit be the hail Kirk, to do ferder ressolution therin is superceidit quhill materis remittit to this Assemblie be proponit.

Anent the commissioun gevin in the last Assemblie to certane bretherne, to tak vp the deidlie feid betuix the Laids of Craigmyller and Edmestoun : In respect the said brether hes taken alreddy travells therin, the Assemblie hes willit thame to profecuit forder that purpos, and to report to the nixt Assemblie.

Anent the commissioun gevin to the Presbitrie of Irwing, to try the Presbitrie of Hamiltoun, and to report conforme to the tenour of the last Assemblie : In respect is vnderstand to the said Assemblie, not as 3it the

faid commiffioun is not execut, thairfor of new the faid Kirk hes renewit the faid commiffioun to the brether appointit therin of befor, and ordaines thame to execute the famyn betuix and the nixt Affemblie, as thay will anfuer.

For reiding of bills and queftionns presentit in this Affemblie : The Kirk hes nominat Mr James Nicolfoun, Mr Nicol Dalglesche, Mr James Meluill, Mr Gilbert Gairdin, to conveine euerie day at tua hours in the Kirk, and to fycht the bills quhilks ar pertinent to the Affemblie, for remiting fic as be pertinent to the full Affemblie.

The Kirk and Commissioners present hes gevin full power and commiffioun to thair rycht honorabill and thair lovit bretherne vnderwritin, thay ar to fay, the Lairds of Abotifhall, Wedderburne, and Merchettoun, Johne Arnot, William Lytill, fumtyme Proveftis of Edinburgh, and Clement Ker, burges, fumtyme Baillie therof, to present to his Majestie and Nobilitie now appointit to conveine at Edinburgh, the xxvij day of this instant, the articles and petitionns of the Kirk, and to crave and travel that the famyn may be grantit ; and gif neid beis, to reffoune and confer thervpoun, or quhat beis done herin to report to the nixt Generall Affemblie.

Sellio 4^a. 25 Aprile.

The Commissioners vnderwrytin presentit thir Articles following to his Maiestie and Counsell, viz. the Lairds of Abbotfhall, Wedderburne, and Merchettoun, John Arnot and William Litle, fometyme Provefts of Edinburgh, and Clement Car, Mrs Robert Bruce, Patrick Galloway, James Nicolfoun, and Walter Balcanquell.

Followis the tenour of the faid articles.

First, Seing the increafe of Papistrie is daylie within this realme, it is craveit of his Majestie, that all Papists within the fame may be punisht according to the laws of God and the realme.

Item, That the act of Parliament ipso facto may strike vpon all maner of men, landit and vlandit, constitute in office or vtherwayes, of quhat fort [foever] they be, as weill as the famen is provydit to strike aganis benefit persons.

Item, That ane declaratour may be givin against Jefuites, Seminarie Preifts, and traffiquing Papifts, declaring them culpable of treafon and lefe Majeftie, quherby the receipters of fuch perfons may be punifchit according to the aët of Parliament ; and that reformation may be had of the faid aët in that pairt, quher the famein is only extendit against fuch perfons as receipts them be the fpace of three dayes ; and that the penaltie of the aët may be inflictit against any receipters without any condition of dayes.

Item, That all fick perfons as the Kirk fall find and declare [publickly] to be Papifts, although they be not excommunicat, be debarrit from brooking any office within the realme, as alfo from having acceffe to his Majefties companie, and from injoying any benefite of the lawis ; às alfo that the paine of horning, and vther civill paines, may follow vpon the faid declaratour, ficklelike as prefentlie followis vpon the fentence of excommunication ; and that ane aët of Counfell prefentlie be made and publifchit therupon, quhill the nixt Parliament, quher the famen may be eftablifhed in ane law.

Item, That his Majeftie will confidder the great prejudice done to the haill Kirk be ereëting of the teinds of diverfe Prelacies in temporalitie, as of the Abbay of Paisly and fundrie [others,] be the quibilk the planting of Kirks is greatlie prejudgeit ; and that, therfor, ane fubftantiall ordour be tane for remeid therof.

Ordaines dereëtour of Sanct Androis, Mr Robert Wylkie, Mr Robert Pont, Mr Thomas Buchannane, and Mr Jobne Johnelloun, or ony thrie of thame, to vefit the tennour of the foundatioun of the new College to be ereëtit be the Erle Marifchell in Aberdeine, and to gif their oppvnioun of the fame to the bretherne, that the faid fundatioun may be ratefeit be the faid haill Affemblie, being fund meit and expedient.

Ordanes Mr Robert Hepburne, Mr James Meluill, and Mr Peter Blackburne, to vefit and fycht the buik of vefitacioun of the boundis of Orknay, prefentit be Mr Robert Pont, and to gif their oppvnioun to the Affemblie befor thay diffolue.

Forallmeikill as the numberis of the Prefbitereis within this realme and thair places wald be knawin, the names therof being inquyrit, the full Affemblie and nvmer of the fame wer gevin vp as followis, viz.

Ane Prefbiterie in Setland callit Tingwall : In Orknay, ane, to wvt, Kirkwall : In Kaithnes, ane, viz. Thurfo : In Sutherland, ane, viz.

Dornoch : In Ros, tua, Tane and the Channonrie : In Murray, four, viz. Inuernes, Forres, Elgine, and Ruthven : In Aberdeine, fyve, viz. Bamf, Deir, Inuerowrie, Aberdene, Kincardin : In Mernes, ane, Couway : In Angus, four, viz. Brechen, Arbroth, Megill, Dundie : In Dunkeld, ane, viz. Dunkeld : In Perth, Sanct Johnestoun, Dumblane : In Fyfe, four, viz. Sanct Androis, Cowper, Dumfermline, Kirkcaldy : In Stirling, ane, Lythgow : In Lowdiane, four, viz. Edenburgh, Dalkeyth, Haddingtoun, Dunbar : In Tueddall, Peblis : In Mers, tua, Chirnefyd, Duns : In Teniotdaill, tua, Jedburt, Melros : In Nethisdaill, ane, Drumfreis : In Galloway, tua, Kirkcudbryt, Wigtoun : In the Schirefdome of Air, tua, viz. Air, and Irwing : In Renfrew, Paislay : In Lennox Shyre, ane, Dumbartane : In Cliddisdaill, thrie, viz. Glasgaw, Hamiltoun, Lanerk.

Forfameikill as the visitatioun of the Presbitries vniverfallie throughout the haill realme, is thocht ane thing verry necessar, and fra diuers Assemblies commissiouns hes beine gevin to that effect ; nottheles ane necessitie zit remaueing quhilk craeit the continewing of the said commissioun, the Kirk, therfor, and Commissioneris present hes gevin power and commissioun to thair louit bretherne vnderwritin, within the particular boundis respectiue following, that is to say, For Zetland, Thomas Swyntoun : For Orkney, Mr Robert Pont : For Sutherland, and Kaithnes, Mr Robert Pont and Mr William Pap coniunctlie : For Ros and the Channonrie, Mr Alexander Dowglas ; For Murray, Mr George Monro, Mr Andro Crumby, Mr John Robefoun : For Aberdeine, Mr Alexander Forbes, Mr Robert Arbuthnet, Mr Andro Wyllie : For Mernis, John Durie, Mr Andro Keith : For Angus, Mr Robert Bruce, Mr Andro Meluill, and Mr James Meluill : For Perth, Dunkeld, Dumblane, and Stirling, Mr James Nicolson, Mr Nicoll Dalgleishe : For Fyfe, Mr David Lyndesay, Mr Robert Hepburne, and Mr Patrick Symfoun : For Lowthiane, Mr Andro Moncreif, Mr David Spence, Mr Andro Lamb : For Mers, Mr Adame Johnston, Mr James Carmichell : For Tiviotdaill, Mr William Methven, John Clappertoun : For Nithefdaill, James Hamiltoun, Mr William Hamiltoun : For Galloway, John Porterfeild, Mr David Barclay : For the Schirefdome of Air, Mr John Yong, Andro Knox : For Dumbartane, Renfrew, Glasgaw, Hamiltoun, and Lanerk, Mr Henrie Levingstoun, Mr Robert Wyllie, Mr Alexander Wreistoun : to viset and try the doctrine, lyfe and conuersation, deligence and fidelitie, of the Pas-

touris within the saidis Presbyteries ; and sickerlyke to try gif ther be any of the beneficit number within the samein, not making residence, having no reasonable cause to purge the samein ; gif ther be any that hes dilapidat thair benefices, sett tackis, and made vther dispositiouns therof, by the consent of the Generall Kirk ; ony slanderous person vnmeit to serue in the Kirk of God, and vnhabill and vnqualifiet to teach and edifie ; and, with advys of the Presbytrie within the quhilk the saidis persons ar, to proceed aganis them according to the qualitie of the offence, or vndispositiouns of thair offices, according to the acts of the Kirk : And that this visitatioun, tryell and examinatioun be compleit betuix and Michelmes next to cum, recommending to euerie Presbeterie, for shortning of the saidis Commisioners travells, ane diligent tryall amangis thame selfis be takin befor the Commisioners cuming, quherin thay may vnderstand and note the abuses quhilk wald be correctit ; commanding alsua the Presbyteries within the quhilks the saidis Commisioners remaines, to provyde for the saidis Commisioners flockis in thair absence in the said visitatioun.

Acta Sessione quinta, vigesimo sexto Aprilis 1593.

The Kirk and Commisioners present ordaines the parochineris of Sanct Androis to landwart, to big and edifie to themselves ane paroche kirk, in sicker ane part as the saidis parochineris and Presbyteries agree vpon, narrest the middis of the paroche, betuix and Lambes cum ane zeir, according to thair suite maid to Parliament, and sickerlyk to the Assemblie ; certifieing thame and they sailzie, thay salbe debarrit fra ony benefeit of the Kirk of Sanct Androis.

Anent the kirkis in Orkney and Zetland : In respect it is considerit that for the number of Illis ther, and that there is not stipend to euerie particular kirk, quherby the pluralitie of kirkis serveing may be eschewit : thairfor the Kirk quhill the next Assemblie ordaines the saidis kirkis to be fervet as thay ar presentlie, in respect of the present necessitie, and diuers vtheris impediments.

Ane supplicatioun to be gevin in to Parliament to reforme the delapidatioun of the leving foundit in the grammer schoole of Kirkwa, ordaining in the meane tyme the Commisioner, quha is appointit to visit the Presbeterie ther, with adwse of the same, to deprive the person quha hes delapidat

the fame, in caice he reftore not agane the faid leving to the awin integretie.

The Generall Affemblic of the Kirk gevis full commiffioun and power to the bretherne of the Prefbiterie of Edinburgh, to call befor thame Adame Bifhope of Orknay, and to charge him with the demolifhing of the kirk of Birfa, to try gif he demolifhit the fame : And in caice he be found fa to have done, to charge him to repair the fame, that the flok be not deftitut of ane kirk ; vtherwayis to proceid aganis him, and to report their proceedingis to the nixt Generall Affemblic.

Eodem die. Sefſio ſexta.

The Generall Affemblic of the Kirk haveing committit the fycht, reiding and confidderatioun, of ane new foundatioun of ane Collidge to be erectit in Aberdeine be the Erle of Marifchell, to certane lernit brether of the Affemblic maift expert in fick caiffes, and vnderftanding of thame that the faid foundatioun and erectioun in ſubſtance is very guid and commendable : thairfor, and efter ſum reffoning alfo in the matter, hes allowit, aprowin and affermeit the fame, according to the tennour therof in all thingis ; and ordanes this thair approbatioun to be gevin out, and act to be maid thervpon.

Memorandum. To infer the fupplicatioun of the Laird of Grenok quhilk is lyand in the pok.

Names of excommunicat perfouns gevin vp be the brether.

Alexander Ramfay, brother to the Laird of Dalbowfie ; Alexander Creychtoun of Newball, elder, bayth within the Prefbiterie of Dalkeyth ; In Leingar parochin, Thomas Donaldfoun, for dowbill adultrie ; In Campſie parochin, William Aikin, for adultrie ; In Levingftoun, Andro Stirling, for ſlauchter of vmquhile Johne Adame ; Thomas Kincaid, for ſlauchter of vmquhile Luk Sterling in Cadder ; Thomas Blar in Boctay, for thriefald fornicatioun and difobedience, lyand vnder the ſentence of excommunicatioun thir four geiris bygane ; In Glaſgow, Matho Heriot, for ſlauchter of vmquhile Andro Ros ; Gilbert Inglis, for ſlauchter of vmquhile Samuell Hamiltoun, ſone to the Laird of Preftoun ; Archibald Vduart for the ſlauchter of vmquhile Dauid Ramfay, potter, and Adame Ramfay, his ſone ;

Archibald Hegate, for dowbill apostasie, efter he had first put handis in ane Minister, sua thrife excommunicat; Sir Henrie Ofvald, within the parochin of Strageith, excommunicat for papeftrie, be Mr James Burtoun in Peblis, the fourt of Marche 1592; Sir William Blakwod in Dumblane, excommvnicat for papeftrie; Robert Clerk in Ochterardour, excommunicat for incest with Elspet Scot, be Mr Johne Bondronne, Superintendent of Fyff; Hew Barklay, Laird of Ladieland, apostat; James M^cquirrtie, Vicar of Kinkarthy in Boit, excommvnicat apostat.

Names of Kirkis vacand in Angus and Merns :

Inchfioir, Abernyt, Innergourie, Logedundie, Lundy, Streikmarteine, Inneraritie, Bendoquhy, Ruthven, Glenyla, Glamis, Effie, Cloday, Lyn-trathin, Athie, Methie, Tannardais, Aldbar, Inchbraik, Newdesk.

Kirks within the Synodall of Glasgow vnprovydit :

Kilmaronnok, Killarne, Balfrone, Strablane, Cardros, Inchcalzell, Baldernock, Paillay.

The Kirks provydit with men, bot wanting flipend be vertew of the lait erectioun of the teindis of the Abbacie of Paillay in temporaliteis :

Hamiltoun, Glaffurd, Stennous, Blantyre, Schottis, Dalserff, Lanrick, Pettenone, Tankertoun, Robertoun, Bigger, Crawford Johne, Crawford Lyndfay, Dolphingtoun, Covingtoun.

The names of the Kirks vnplantit within the bounds of the Mers :

Lammertoun, Fischirwiche, Swintounne, Symprene, Hourden, Fogo, Greindlay, Stichell, Nenthorne, Hwme, Ballenden, Ednem, Cranfchewis, Ellem.

Kirkis vacand within the Presbiterie of Dumblane :

Abirfuill, Kilmahuge, Callendar, Leny, Port, Kilbryd, Balquhidder, Comrie, Tullicheddilly, Sowan, Monivard, Stragethe, Kinkell, Abir-ruthven.

Kirks vnplantit within the Presbietrie of Dunkeld :

Straphillan, Killin, Ardrum, Inchechadden, Vemis, Pitcharene alias

Grantilly Kirk, Brenmore, Kilchonnane, Murtrigan, Rannoch, Strowand, Blair in Atholl, Ludeskil, Manenok, Fos, Muline, Finlarg, Mennoche, Doualie.

In the laich land : Logybryd, Ochtingawin, Kinclavin, Capeth, Loch-indy, Blair in Gowrie, Glenschie.

Kirks vacand in Cathnes : Thurfo, Wick.

In Orkney : the Southamtoun Kirk, North Rannaldy.

In Zetland : Auchindenrie, Burra, Bressy, Nesting, Lunasting, Olnafirth.

Names of the perfouns quhilks ar to enter in the Ministrie.

Mr Andro Mortoun, Mr James Spalding, Mr Daud Balcome, Mr Daud Lyndsay, Mr James Eliot, Mr Johne Young, Mr Bartele Robertfoun, Mr John Dwrie, Mr Johne Ogilbie, Mr Charles Walwod, Mr George Vishard, Mr Adame Walker, Mr William Simfone.

Anent the summonds direct be the brether of the Presbiteries of Glasgow aganis Claud Commendatour of Paislay and his Laidy, to compeir in this Assemblie this day, with continuatioun of dayis, to ansuer for the sacriligious bereving of the Kirk in erecting of the haill rents alsweill teinds as vther in ane temporalitie, as the summonds dewlie execute beirs ; quhilk being callit afor and efter noone, nane compering, the Kirk supersedit thair proceeding this day, quhill thay sie gif ony git compeirs to ansuer.

Acta Sessio 7^a 27 Aprilis 1593.

In presence of the haill Assemblie, compeirit Schir James Melnill of Halhill, ane of the Commissioneris specialie direct be his Majestie to compeir in his Hienes name as commissioner, and presentit his Majesties missiue direct to that effect, with certane articles, and ane act of Parliament for instructing therof, quhilk the Assemblie thocht meit priuatlie to be considerit be certane brether, quha wer appointit to confer with his Majesties Commissioner, and to that effect wer depescht out of the Assemblie to advyse and gif thair opinioun at thair returne, to witt, Mr Robert Bruce, Mr Robert Pont, Mr Andro Melnill, Mr James Nicolson, Mr Peter Blackburne, Mr James Meluill, the Laird of Canmo, and Commissioners of Edinburgh :

Quha returning, red the articles and thair anfuers, quhilk the Kirk approvit; ordaining the faids articles, anfuers therto, and aēt of Parliament to be registrat in the Register of the Kirk; quherof the tenour herin is sett down as followis :

The Articles proponit in his Majesties name to the Generall Assemblie, presentlie convenit at Dundie.

His Majestie declares, that in respect he cannot of honour sie the priviledge of his crowne hurt, therfor he will have regard to have the aēt of his last Parliament keipit concerning the conveying of Generall Assemblies be his Majesties appointment; willing them heirfor, befor thair skailing, to direct two or thrie of thair number vnto him, to desyre him to appoint the day and place of their nixt conveying.

Secondlie, His Majestie desyres them to make ane Aēt of thair Assemblie, prohibiteing all and everie ane of the Ministrie, vnder the paine of deprivation, to declaime against his Majestie or Counsells proceedings, in pulpitt, not only in respect of his Majesties knawin good intencion for the furth setting of pietie and justice, bot lykeways because his Majestie at all tymes gives readie accessē and loving eare to fundrie of the Ministers, to informe, dilait or complaine, either in their awin name or in the name of any of the rest of the brether.

Thirdlie, His Majestie desyres them to appoint and put on leit, fyve or fixe of the discreitest of the Ministrie, that his Majestie may make choise of twa of them to serve in his house, in respect of Mr Craig his decrepit age.

Fourthlie, Seeing that the standing of the religioun and the weifare of his Majesties perfon are so vnseparablie joynit, as quhosoever are enemies to the ane are comoun enemies to both; so his Majestie desyres, that through all the Presbitries of this countrey, ther falbe some appointit to advertise and informe his Majestie heirafter, with diligence, for the more speidy remedie, not only of quhatlumever practises they can learne, in any wayes, of Papists and Spanisch factiouns, but also of the receipts and practises of Bothwell, quherof they can have any knowledge; whose heale courses, as they are directly aganis his Majesties persone, so whollie they tend to the subversiou of the whole religioun: With directioun also to them to informe the haill Barrons, and honest men most tenderers of his Majesties

welfare, to give ever such faithfull intelligence of the saids practises as they can learne from tyme to tyme.

Fyftlie, His Majestie defyres, that through all the countrey, quher ther is any ports or landing places, that ther be some of the brether speciallie appointit to deale so with the burghes, that they may take good and sufficient tryall, according to his Majesties law made theranent, of all these quho fall heirafter come in, or passe furth of this countrey, quherfra they are come, or quher to they are bound ; quhat is thair trafique and intention to doe : and swa after good and sufficient tryall, if ther be any thing of weght and importance, that they on na wayis faile to make his Majestie acquaint therwithall, to the effect his Majestie may the more easilie discover quhatsumevir forraigne or civill practises is or salbe in heid aganis the present state of the religioun : And this he craves to be done so faithfullie, as he hes good opinioun of your earnest affectioun, no less in the preservatioun of his Majesties awin person as in the defence of the comoun cause ; as also he promises to aide and assist you in all [and] quhatsumevir your good resolutions, that may tend to the furtherance of peace and quyetnes ; with the advancement and maintenance of the religioun presentlie profest in this realme.

Humble answers of the Generall Assemblie to the Articles proponit be his Majesties Commiffioners to the same, at Dundie the 27 day of Apryle.

First, The Article concerning the conveyinge of the said Generall Assemblie is aggried vnto, according to the tenour of the act of Parliament presentit with the saids Articles.

As twiching the second Article, It is ordainit be the hail Kirk, that no Minister within this realme vtter from pulpitt any rasch or vnreverent speaches aganis his Majestie or Counsell, or thair proceidings ; but that all thair [publick] admonitiouns proceid vpon just and necessar causes and sufficient warrand, in all feare, love and reverence, vnder the paine of deposing such as dois in the contrair, from thair functioun and office in the Ministrie.

As to the 3 Article, The Kirk aggries therto, and speciallie anent the provisioun of Ministers ane or mae to his Majestie ; that certaine be nominat be the Commiffioners direct to his Grace be his advyce, of quhom his

Majeſtie may make choiſe : and the brethren to be lykit of his Majeſtie, to be placit and admittit be the Preſbytrie quher his Grace ſalbe reſident for the tyme.

As concerning the 4 and 5 Articles, The ſamein are condiscendit to and ordour takin, as his Majeſtie ſalbe particularlie informit be the ſaids Commiſſioners.

Follows the tenour of the Act of Parliament.

In the Parliament haldin at Edenburgh, the 5 day of Junij 1592 zeirs, our Souerane Lord and Eſtattis of this preſent Parliament, following the lovable and gude example of thair prediceſſouris, Hes ratifiet and apprevit, and be the tennour of this preſent act, ratifies and apprevis all liberties, priuileges, immynities and fredomes quhatſumewir, gevin and grantit be his Hienes, his Regentis in his name, or onie of his prediceſſouris, to the trew and hally Kirk preſentlie eſtabliſhit within this realme ; and declairit in the firſt Act of his Hienes Parliament, the twentie day of October, the zeir of God ane thouſand, five hundreth, threeſcoir ninetene gieris ; and all and whatſumewir actis of Parliament, and ſtatutes maid of befoir, be his Hienes and his Regentis, anent the libertie and fredome of the ſaid Kirk : and ſpeciallie the firſt act of the Parliament halden at Edinburgh, the twentie foure day of October, the zeir of God ane thouſand, five hundreth, and four ſcoir ane gieres, with the haill particulare actis thairin mentionat, Quhilk ſhall be als ſufficient as gif the ſamyn wer herin expreſt ; and all vther actis of Parliament maid ſenſyne, in favouris of the trew Kirk ; And ſiklyk, ratifies and apprevis the Generall Affemblies appoynted be the ſaid Kirk ; and declairis, that it ſalbe lauchfull to the Kirk and Miniſtrie everilk zeir, at the leiſt, and oſter pro re nata, as occaſioun and neceſſitie ſhall require, to hald and keip Generall Affemblies : Providing that the Kingis Majeſtie, or his Commiſſioner with thame to be appoyntit be his Hienes, be preſent at ilk Generall Affembly befor the diſſolving thair of, nominat and appoint tyme and place, quhen and quhair the nixt Generall Affembly ſalbe haldin : and in caſe nather his Majeſtie, nor his ſaid Commiſſioner, beis preſent for the tyme in that toun, quhair the ſaid Generall Affembly beis haldin, Than, and in that caſe, it ſalbe leſum to the ſaid Generall Affembly, be themſelfis, to nominat and appoynt tyme and place, quhair the nixt Generall Affembly of the Kirk ſalbe keipit and haldin, as

they haif bene in vſe to do thir tymes bypaſt. And als ratifies and appreis the Sinodall and Provinciall Affembles, to be haldin be the ſaid Kirk and Miniſtrie, twyis ilk geir, as they haif bene, and ar preſentlie in vſe to do, within euery Province of this realme; And ratifeis and appreis the Prefbyteries, and particulare Seſſionis, appoyntit be the ſaid Kirk, with the haill iuriſdictioun and diſcipline of the ſame Kirk, aggreit vpon be his Maieſtie, in conference had be his Hienes with certane of the miniſtrie conuenit to that effect: of the quhilkis Articles the tennour followis.

Materis to be intreatit in Provinciall Affembles: Thir Affembles ar conſtitute for wechtie materis, neceſſar to be intreatit be mutuall conſent and aſſiſtance of brethrene within the Province, as neid requyris. This Affembles hes power to handle, ordour, and redreſſe, all thingis omittit or done amiſſe in the particulare Affembles. It hes power to depoſe the office beraris of that Province, for gude and juſt cauſeis deſerving deprivation: And, generallie, thir Affembles hes the haill power of the particulare Elderſchippis, quhair of they ar collectit.

Materis to be intreatit in the Prefbyteries: The power of the Prefbyteries is to give diligent laubouris in the boundis committed to their charge, That the Kirkis be kept in gude ordour; To enquire diligentlie of nauchtie and vngodlie perſonis, and to travell to bring thame in the way agane be admonitioun, or threatning of Goddis iugementis, or be correſtioun. It appertenis to the Elderſchip, to tak heid that the Word of God be puirlic preachit within thair boundis, the Sacramentis richtlie miniſtrat, the Diſcipline intertenyt, and the Eccleſiaſticall guidis vncorruptlie diſtributit. It belangis to this kynd of Affembles, to cauſe the ordinances maid be the Affembles, Provinciallis, Nationallis, and Generallis, to be kept and put in executioun; to mak conſtitutionis, quhilkis concernis το προπον in the Kirk, for decent ordour in the particulare kirk quhair they gouerne; Provyding that thay alter na rewlis maid be the Provinciall or Generall Affembles: And that they mak the Provinciall Affembles foirfaidis, priue of the rewlis that they ſhall mak, and to abolishe conſtitutionis tending to the hurt of the ſame. It hes power to excommunicate the obſtinat, formale proces being led, and dew intervall of tymes obſeruit.

Anent Particulare Kirkis, Gif they be lauchfullie rewlit be ſufficient miniſteris and ſeſſioun, they haif power and iuriſdictioun in their awin Congregation, in materis Eccleſiaſticall. And decernis and declairis the ſaid Affembles, Prefbyteries, and Seſſiounes, Iuriſdictioun and Diſcipline thair of

foirfaid, to be in all tymes cuming, maist iust, gude, and godlie in the selff, Notwithstanding of quhatfumeuir Statutis, Aētis, Cannon, Ciuile, or Municipall Lawes, maid in the contrair ; To the quhilkis and every ane of thame, thir presentis fall mak expres derogatioun :

And becaus thair ar diuers Aētis of Parliament, maid in favour of the Papifcalk Kirk, tending to the preiudice of the libertie of the trew Kirk of God, presentlie professit within this realme, iurisdicētioun, and discipline thair of, quhilk stands git in the buikis of the aētis of Parliament, not abrogat nor annullit : Thairfoir his Heines and Estaittis foirfaids hes abrogat, cassit, and annullit, and be the tennor heirof, abrogatis, cassis, and annullis all Aētis of Parliament maid be ony of his Hienes Predecessouris, for maintenance of superstitioun and idolatrie, with all and quhatfumeuir Aētis, Lawes, and Statutes, maid at ony tyme, befor the day and dāt hereof, aganis the libertie of the trew Kirk, iurisdicētioun, and discipline thair of, as the samyn is vlit and exerceisit within this realm.

And in speciall, that pairt of the sevint aēt of Parliament halden at [Streviling, the fourt day of November, ane thousand four hundredth, forty three] geiris, commanding obedience to be gevin to Eugin the Pape for the tyme.

The j^c and xj aēt made be King James the thrid, in his Parliament haldin at Edinburgh the twenty fourth day of Februar, ane thousand, four hundredth, fourscor thrie geiris ; and all utheris aētis quahairby the Paipis authoritie is establisht.

The 47 aēt of King James the third, in his Parliament haldin at Edinburgh, the [twenty day of November, ane thousand, four hundredth, three scor nine] geiris, anent the Satterday and uther vigillis to be hally dayes from Evin fang to Evin fang.

Item, That pairt of the 31 aēt maid be the Quene Regent, in the Parliament haldin at Edinburgh, the first of Februar ane thousand, five hundredth, fifti ane geiris, GIVING speciall licence for haldin of Pashe and Zule.

Item, The Kingis Majestie and Estaittis foirfaidis declairis, that the secund Aēt of the Parliament haldin at Edinburgh, the xxij day of Maij, the geir of God ane thousand, five hundredth, four scor, four geiris, fall naways be preiudiciall, nor derogat anything to the privilege that God hes gevin to the spirituall office beraris in the Kirk, concerning headis of religioun, materis of heresie, excommunicatioun, collatioun or deprivation of min-

isteris, or ony lyk essential censouris, speciall groundit, and havand warrand of the word of God.

Item, Oure said Souerane Lord, and Estaittis of Parliament foirlaidis, abrogatis, cassis, and annullis, the XX act of the same Parliament haldin at Edinburgh, the said zeir, ane thousand, five hundredth, fourfoir, four zeiris, granting commission to bischoppis and vtheris iuges, constitute in ecclesiasticall causes, to ressaue his Hienis presentatioun to benefices, to gif collatioun thairvpon, and to put ordour in all causes ecclesiasticall: quhilk his Maiestie and Estaittis foresaidis, declairis to be expyrit in the self, and to be null in tyme cuming, and of nane avail, force, nor effect. And thairfoir ordainis all presentatiounis to benefices, to be direct to the particular Presbiteries, in all tyme cuming; with full power to thame to gif collatiounis thereupon; and to put ordour to all materis and causes ecclesiasticall, within thair boundis, according to the discipline of the Kirk: Providing the foirlaidis Presbiteries be bund and astrictit to ressaue and admitt quhatfumeur qualifiet minister presentit be his Maiestie, or vther laic patrounes.

Ordanis the Presbiteries quhilk as git hes not gottin in the voluntare contrubutiouns within thair bounds appointit for the Kingis garde to travell diligentlie therin, and quhat beis ressaunt to caus be send to Edinburgh to Alexander Lawfon, with the names of lyk as refusis, and maks not payment betuix and the last day of May nixtocum.

As to James Anderson

xv merkis, his

the Minister of Dundy xxiiij ti, Mr Wm Methven for Dwms xxij ti, and last ordans thame to caus the same be deliuerit to the said Alexander.

Anent the supplicatioun of the paroch of Derfy.

(Tak in the bill and ansuer.)

Ordaines supplicatioun to be maid in Parliament, that in all kirkis, allweill Abbay and Cathedrall Kirks, as vtheris quhatfumever, quher ather the haill parochin is kirkland, or ane part therof onelie, and ther has beine nather manse nor gleib knawin to apperteine therto of auld, or gif ther hes beine ony, and the same nocht extendis to fowre aiker of land, That the Estaits of the Parliament mak the act asfor concerning the designatioun of manfles and gleibis to be extendit to all the foresaid kirkis, and that ther be four aiker of kirk land designit and grantit to the Minister maist commodious and ewest the kirk, quhidder ther hes beine na gleib ther or not, or ane part onelie, not extending to four aiker of land.

The Generall Affemblie of the Kirk gives full power to the rycht honorabill George Erle Marfchell, the Laird of Doune, yonger, the Laird of Cors, elder and younger, the Proveft of Aberdeine, Allexander Rutherfurde, Allexander Cullane, burgefs ther, Mr Andro Meluill, Rector of Sanct Androis, Mr Robert Pont, Mr David Lyndfay, Mr Peter Blackburne, Mr David Cwynnghame, Mr Johne Johnestoun, Mr Thomas Buchannane, Mr Johne Spottifwod, Miniſteris of the Evangell, Mr Robert Wylkie, Principall of Sanct Leonards, or to the maiſt part of the ſaid bretherne, to conveine togidder, and viſit the Colledge of Auld Aberdeine, ther to try and examine the doctreine, lyfe, and deligence of the Maiſteris therof; diſcipline and ordour vſit be thame; as als the ſtait of the rent of the ſaids Colledges: And quher thay find abuis, ſa far as thay may poſſible, to reforme; remittand to the Affemblie ſick thingis as thay can not, to be takin ordour with be thame: and this tryell to begin the laſt day of Auguſt nixt; ordaining, in the meane tyme, that quhill thair cuming that na novatioun be maid ather be ſetting of new takis, confermeing of auld, or electioun of ony new Maiſter; and all things to ſtand ower in the eſtait thay ar in preſentlie: firme and ſtable halding and for to hald all and quhatſumever the ſaids brether or maiſt part of thame in the pre-miſſes laufullye to be done: and ordaines thair procedingis to be reportit to the nixt Generall Affemblie of the Kirk.

Acta Seſſione octava, Eodem die.

Anent the proviſioun of the Kirk of Lucheris: In reſpect the hail Affemblie hes nominat Mr Johne Kynnier to be preſentit to the ſaids parochineris be the Preſbiterie of Sanct Androis to be thair Paſtour, and to be tryit in doctreine, lyfe and converſatioun; and gif the ſaids parochineris hes na juſt of his reſuſſall, to be admitit be the ſaid Preſbiterie to the miniſtrie of the ſaid kirk.

Anent Colledges and rentis therof: The Affemblie hes ordaneit that na diſpoſitioun of the leving and rentis therof, be tak or vther titile, be maid without the adwyſe and conſent of the Affemblie Generall, vnder the pane of depoſitioun of the perfouns doing in the contrair.

Anent the reſidence of Miniſteris: For furthering of the reſidence of ſik Paſtours as for lack of manſſes are not reſident, it is reſoluit and agreeit

that every parochin, quher the Paffours manfe is owther rowinous or alto-gether laikes, be ordainit to repare and build the famein manfe vpon their awin expenfes, with ftane, timber, and all vther materials, workmanfchip, cariage, and vther things neidfull for the repairing and bigging therof; quhilk if they failzie and refufe to doe, being dewlie requyrit, they fall not only, fo many as refuses, be haldin be the Kirk the haille caufe of thair Paffours non refidence, bot alfo it falbe lafull to the aires, executours and assignays of the Minifter or Reider departing, or himfelfe during his tyme, to retaine the poffeffioun of the manfs buildit be him, in cace he build the famein vpon his awin expenflis after the refufeall of the parochin-ers, ay and quhill the [next] intrant Minifter or Reider refound to him, his aires, executours and assignayis, the haille expenflis made be him for repairing and building, at the leift fo mikle therof as the parochin cannot be movit to refound; and that the Presbytrie, at the intrants admiiffioun, fall take ordour for the performance [heirof]; provyding that the expenflis [to] be made be the faid Paffour or Reider exceid not foure hundreth marks; and that the Presbytrie, after the repairing or bigging of the faid manfs, tak the exact tryall and compt of his [faid] expenflis, and give him thair allowance thervpon, to be regiftrat in thair bookes: And this act to extend to them afweill that are alyve and hes already biggit, as to them that are to bigge and repaire heirafter. And lykewayes the fecond and thrid Minifter or Reider, and confequently the fucceffours to the Minifters quher the manfs is biggit, fall have the lyke title to crave of the intrant after him the faids expenflis, quhilk he hes depurfit to his predeceffours, ay and quhill the parochiners redeime and outquyte the faid manfs or biggings therof, to be made frie thereafter to the intrant Minifter or Reider.

Ordaines Mr Samell Chalmer to report the anfueris of the Kirk to his Hienes articles.

Anent the vifitatioun of the buik of deligence producit be Mr Robert Pont concerning his vifitatioun of the bounds of Orkney, Zetland &c.: The bretherne appointit to fichting therof, reportit thay had found great deligence vlit be him, and all thingis orderlie proceedit in vfiing his faid commiffioun; and therfor the faid Affembly approveit his faids labouris and all things done be him in the faid vifitatioun, and speciallie in depofing of the perfons not making refidence.

Anent the proces producit be the Prefbiterie of Stirling concerning the mater of the parochiners of Eglifhame: The Kirk ordaines thair

brether, Mr Robert Pont, Mr Andro Melnill, to visit the proces and gif thair judgement to the Assemblie the morne at meiting.

Ane writting being presentit in the behalf of my Lord Sempill, haveing creadit gevin to him therin : The Assemblie ordainit his creadit to be communicat to the brether of the Conferance the morne.

In respect the Kingis Majestie his Commissioner is to depart for certane adois, thairfor the Assemblie, in his presence, hes appointit thair nixt Generall Assemblie to be at Edinburgh the first Twyfday of May cum ane zeir.

Acta Sessione nona, octavo Aprilis 1593.

Anent the supplicatioun presentit to the Assemblie be the Laird of Vrie, and Hary Drummond, burges of Aberdeine, desiring ane continewatioun of tyme to confer with bretherne, and to be resoluteit with the heids of religioun, that thereafter they may subscriybe the Confessioun of Fayth ; and siclyk, anent the suite maid be Mr Thomas Menzeis, burges of Aberdeine, to reslave his confessioun and subscripcioun of the articles of religioun presentlie professit within this realme : The said Assemblie and Commisioneris present haveing advyfit therwith, hes ordinet the saidis persons to resort to the bretherne of the Presbiterie of Edinburch, to confer and be resoluteit in all doutis thay have concerning the said religioun ; and being resoluteit, to satisfie the said Presbiterie in all things, according to the ordour to be takin be thame, to quhome the Kirk gevis power to tak ordour theranent ; and in caice thay satisfie the said Presbiterie, as said is, that thay gif to thame ane testimoniall of thair satisfactioun ; cautioun alwayis being first takin befor the Kings Majestie and his Counsell for performeing of sick thingis as thay fall promes and subscriyve to do to the said bretherne : and that ane writing be direct from this Assemblie, informand the Erle Merfchell of thair proceedingis heirin.

Anent the proces deduceit be the Presbiterie of Stirling in the mater concerning the parochiners of Eglisname and Mr Andro Boyd : The Generall Assemblie of the Kirk hes ordinet and ordaines that thair brether John Porterfeld, and Mr Andro Knox travill ernesllie and effectiouselie, in name of the haill Kirk, with the Maister of Eglintoun in faouris of the said Mr Andro, that, gif it be possible with his guid will and faour,

the said Mr Andro may serve at the Kirk of Eglisshame, but trubill or impediment to be maid to him in ony fort, and that with all guid deligence : And in caice the Maister can not be moveit heirto, that the said breither mak intimatioun of his refusell to the bretherne of the Presbiterie of Edinburgh, to quhome the Kirk gevis power to tak ordour therin as thay fall find best for the weill of the Kirk and the glorie of God.

Forfamekill as ther is ane Parliament to be haldin shortlie in Junij next, quhervnto many thingis concerning the Kirk ar to be proponit, and that the full Assemblie can not be conveyit therto, in respect of the Assemblie now haldin ; thairfor the hail Assemblie hes ordanit that ane broder or tua be direct from everie Presbiterie within this realme, to conveye the tyme of the Parliament in the place quher the same shalbe haldin, to consult, treit, refone and conclud, vpon sik heids, articlis, petitionis, and supplicatiouns, as thay fall think meit to be craveit and concludit be consent of Parliament, for the glorie of God, and for the well and confort of his Generall Kirk within this realme : Quhilkis bretherne fall have the power of the said Generall Assemblie, and proceed as the same mycht do gif the hail number wer present.

The quhilk day, efter the reasouns war hard and discussit, contenit in the appellatioun presentit to the Generall Assemblie be Mr Andro Young, Minister at Dumblane, the Generall Assemblie ordanes the Presbitrie of Dumblane to be transportit to Ochtrardour, with libertie to the bretherne of Dumblane appealing to resort ather to Auchterardour or Stirling, as thay pleis ; provyding alwayis, that in caice the gentill and nobill men quha hes subscryvit to assist the Presbitrie in Auchterardour, or vthers that fall happin to subscryve the same heirefter, gif instructioun to the bretherne to compleine of breking thair promiseis ; and forder, in caice the Kirk of Auchterardour be not repaired sufficientlie betuix and the nixt Generall Assemblie ; or in caice ane sufficient stipend be not provydit for ane Minister, that he may mak residence at Auchterardour with manse, gleib : In thir caices or ony of thame, the Presbitrie shalbe reestablishit in Dumblane ; and ordanis the Presbyteries of Stirling and Perth to establish the said Presbiterie in Auchterardour vpon Thursday cum xv dayis, and constitute the samyn of the kirks containit in the roll of the Synodall Assemblie ; libertie being alwayis referuit to the breder of Dumblane, quhiddir thay will cheis to be of the Presbitrie of Auchterardour or Stirling.

Forfamekill as in the Synodall Assembles the buiks of particular Presbi-

tereis are tryit and vilitt; and heirtfor the buiks of Synodall Affembleis hes not beine tryit in the Generall, quhilk appeirit to the haill breder to be necessar: Thairfor it is concludit, that, in tyme cuming, to everie Generall Affemblic the buiks of the Synodall Affembleis salbe direct be the Synodollis, to be fychtit and confidderit in the Generall Affemblic, for vnderstanding the better of thair proceedingis, vnder the pane of the fen-four of the Kirk.

Anent the actis of the Kirk: That everie Presbitrie may be the better instructit therin, the Kirk hes ordinit Mr James Carmichell, quha hes alreddie tane sum paneis in correcteing therof, to persyte the work, and to present the same to the nixt Generall Affemblic of the Kirk.

The General Affemblic of the Kirk gevis libertie to transport Mr Henrie Guthrie fra the Kirk quher he serves to ony vther kirk within thair bounds quher his giftis may be best imployit; and in caice thay do not the same, gis libertie to the Presbiterie of Angus and Mernes to transport him to ane kirk within thair bounds, with his awin advye.

Anent contraverseis betuix the bretherne of the Ministerie: For vptakin therof, it is resoluit and concludit be the haill brether and Commissioneris present, that quher ony pley or contraverseie arryvis betuix tua brether of the Ministerie, thocht it be in ciuill materis, gif thay bayth be of ane Presbiterie, that thay elect breder of the said Presbiterie, to quhat nvmber thay think best, quha sall chose ane ouirman, and summerlie desyde and gif sentence in the mater, quhilk salbe irrevocabill, and na appellatioun to be interponit therfra: And gif thay be of diuerse Presbitereis, that thay lykwayis mak electioun of bretherne of ather of the Presbitereis in equall nvmber, as the saidis contententis sall aggrie; quhilk breder sa electit sall cheis ane ouirman, and desyd and gif sentence, as said is, fra the quhilk na appellatioun salbe interponit; and gif ony broder wilbe wilfull and refus this forme and submissioun, he salbe haldin be the Kirk contumax. And that this act be put in executioun presentlie for decisioun of the contraverseie betuix James Anderfoun and Mr Henrie Guthrie.

The Generall Affemblic hes gevin commissioun and exprefs command to the bretherne of the Presbiteries of Glasgou and Paislay, with all possible deligence, efter the disolwing of this present Affemblic, to charge Robert Lord Semple to separat and divyd fra him and out of his bounds, viz. out

of Cunnynghame and the Schireffdome of Ranfrow, Helene Drummond, adultrix; and that in caice the said Lord be tryit to be fund in sulpeēt place with the said Helene in ony tyme cuming, athir within or without his bounds, or scho not to be remouet, as said is, the saids Presbitereis to proceid aganis the said Lord and Helene to excommunicatioun, and pronounce the said sentence aganis thame bayth, vpon their dislobedience, the samyn being tryit ordourlie befor the saids Presbitereis: as also that the saidis Presbitereis proceid in forder tryell of the saids Lords apostacie, and contempt of the Word; and fynding him giltie to injoyne sic discipline him as may remove the sklander, and to command him to obey and fulfill the same, or ellis vpon his refusell to excommunicat him.

Ordaines the Presbiterie of Perth to tak ordour for transporting of Mr James Row to sum vther kirk with his awin advyse, with the first opportunitie betuix and the nixt plat.

Anent the Ministerrie of Sanct Androis. Memorandum, The aēt is lyin in forme among the rest, quibilk sould be registrat.

The Generall Assemblie of the Kirk, be the authoritie gevin to them be God &c. Memorandum, To insert the said aēt. It is lyin with the rest.

Forsameikill as in ansuering of billis gevin in vnto the Generall Assemblie often tymes for lack of knowlege of the stait of the compliments, ansueris ar gevin thairto reklellie to the preiudice of bretherne: thairfor for remeid therof in tyme cuming, that the Commissioners of tha parteis quherin the compliments ar maid, gif they be present, be callit be the breder appointed to the ansuering of the bills, for thair better informatioun.

Anent the Ministrie of Sanct Androes: The Generall Assemblie ordaines and appoints Mr David Black, Minister of Sanct Androes, to discharge the duetic of a laufull ordinar Pastour therin, in preaching the Word, ministratioun of the sacraments, and exercisē of discipline, so farre as he is able to doe, according to the measure of his gifts that God hes bestowit on him: And to the intent that the said Mr David may, with fruit and confort, travell in the said ministrie, the said Assemblie ordaines the said Mr David to give in to the Presbitrie ther such things as he wald have furtherit and brocht to passe for the weill of the said congregatioun and ministrie therof, to the performance quherof the said Presbitrie fall indevore themselves to thair vttermost, having befor thair eyes the honour of God, the weill of the peiple and towne, and the ease and peace of thair awin

consciencies; vnto the quhilk Presbitrie this [present] Assemblie grants and committs thair full power and authoritie for that effect. And becaufe the said Mr David is not able to entir in that charge alone, the said Assemblie hes nominat Mr Robert Wallace, for the speciall meitt qualities they know to be in him, to be associat with the said Mr David, as ane fellow labourer in the ministrie forsaid; givand full commissioun to the Presbytrie to try the consent of the haill towne and Vniversitie of Sanct Androes, concerning thair lyking of the said Mr Robert to be associat in the ministrie, as said is; and finding no reasonable cause [allegit and] verified againis the said Mr Robert, in lyfe or doctrine, quherfor they could not give thair consent and approbatioun to the said Mr Robert, for the cause mentionat, bot the most part of the towne and Vniversitie consenting to his resait, the Generall Assemblie ordaines [the said Presbitrie] to associat and place the said Mr Robert, fellow labourer in the ministrie of Sanct Androes, with the said Mr David Black; and the said towne of Sanct Androes to pay the said fellow labourer his stipend thankfullie, according to the promise made in Synodall and Generall Assemblies. And in cace the most part of the said Towne and Vniversitie consent not to the receiving of the said Mr Robert, the Kirk gives libertie to the said Mr David, with the advyce of the [said] towne, to choose ane brother of quhom they may both have lyking: And to the intent this ordour takin with the Ministrie of Sanct Androes as is above sett downe, may be the better performit and settlit, the said Assemblie gives commissioun to Mrs Robert Bruce [and] David Lindsay, conjunctlie and severallie, as thair adois and occasiouns may permitt, to visite the said Kirk of Sanct Androes in thair returning from the Assemblie, and travell with the whole number of the said Kirk, for putting of thair ministrie to ane peaceable stay and ordour; as also to sie that quhilk is decernit in this Assemblie concerning the landwart, to be forderit and brocht to pas, and for quyeting the estate of the towne.

Mr William Cock, Commisshoner, for the Provest, Bailgies, and Counsell of the towne, dissassentit from the nominatioun of Mr Robert Wallace.

The Generall Assemblie, be the authoritie givin to them of God, discharges all and every Christian within the Kirk of Scotland, from repairing to any of the King of Spaine his dominions quher the tyrannie of Inquisition is vsed, for traffique with merchandice, negotiatioun, or exerce of

sea fairing occupatioun, vntill the tyme the Kings Majestie, be the advyce of the Counsell, hes focht and obtainit speciall libertie and licence from the King of Spaine for all his liegis and subiects, to traffique in merchandize, and occupie within the haill pairts of the said King of Spaine his dominiouns, without any danger to thair persone or guds, for the cause of thair religioun or conscience, vnder the paine of incurring the censures of the Kirk, untill the last sentence of excommunicatioun.*

* The proceedings of this Assembly, with the exception of the two last articles, are printed from a Manuscript in the possession of the Very Reverend Principal Lee, which appears to be the original Minutes in the handwriting of one of the Clerks of the Church.

A. D. M.D.XCIV.

THE Generall Assemblie of the Kirk of Scotland cōveinit at Edinburgh, the 7 day of May 1594 geirs.

Exhortatioun beand made be Mr David Lindefay, laft Moderatour, the Assemblie proceedit to the electioun of ane new Moderatour ; and appointing the leits, Mrs Andro Melvill, Patrick Galloway, Patrick Simfone, Robert Pont, the said Mr Andro was chofen hac vice.

Sessio 2^a. 8 Maij.

The necessitie of the tyme, and affaires quhilk are to be intreatit, being confidderit be the Kirk, it was concludit that no brother having commiffioun to this Assemblie depart from the samein, befor the finall dissolutioun therof, without licence obtainit therfra vnder the paine of suspensioun from thair office, vntill they be reponit be said Generall Assemblie therto againe.

And as concerning the penaltie of Commiffioners that comes not to the Assemblie at all, or remaines not quhill the end therof, ordaines the Register to be confidderit, quhat hes bein statute already, and to report afternoone.

Sessio 3^a Eodem die.

Anent the citatioun of James Drummound, Oliver Zong, James Adie, John Reid, Patrick Justice, William Hall, indwellars of Perth, at the instance of the brethren of the Presbitrie ther, for the slanderous resetting of the apostats Lords within thair towne: The saids persons compeirand, and inquirit, If they receipt the saids Lords, and acknowledgit therein simple ane offence done to God and his Kirk, ansuerit, They receipt them, bot against thair will, and for obedience givin to the Kings charge; alwayes befor the comeing of the charge, the greatest part of the towne had condiscendit to receive them: and being urgeit with the promise they made not to receive them, and violatioun therof, ansuerit, That promise of assistance was made to them and not keipit. After quhilk ansuer, being removit, and certaine good brethren direct to conferre with them, and re-entring, they for themselves, and in name of the hail toun, confessit to the glorie of God and satisfactioun of the Assemblie, that they were over rash and sudden in receiving such notorious enemies to God, desyring most earnestlie that no man be slanderit or take evill example therby; protesting before God, they entrit in the towne againes thair hearts that are present heir, promising, be Gods grace, nevir to give occasioun in tyme comeing, and to assist and mantaine the true Kirk of God and his religioun professit publickly within this realme, and to resist the enemies and adversaries therof to the vttermoost of thair power, and to obey and put in executioun, so farre as concernes thair duetie, the ordinances of the Kirk aggrieing with the Word of God: Quhilk professioun they gave in wryte, and subscrivit the samein with thair hands, so many as could wryte, in presence of the hail Kirk; quherwith the brethren standing content, ordainit the Minister of the towne of Perth to publish the samein in pulpitt, and to declare the satisfactioun of the Assemblie theranent; ordaining also the actis concerning this offence, registrat in the bookes of the Presbitrie, and processe deduceit therein against the towne, to be obliterated and put out of the Register.

Sessio 4^a. 9 Maij.

Anent the sentence of excommunicatioun pronouncit be the brethren of the Synodall Assemblie of Fyfe [in October,] against the apostat Lords: The haill Assemblie, in ane voyce, ratifies and avowis the said sentence, and proces of excommunicatioun led against them; ordaining the haill Pastours within this realme, to intimat solemnlie at thair kirks the said sentence, that none pretend ignorance of the same; except Alexander Lord Hoome, quho hes satisfied the Kirk, and is relaxit therfrom.

Forfameikle as particular inquisition hes been made of the Presbitries, concerning thair diligence for extirpation of Papistrie, discipline vsed against them, and receipters of excommunicats and Jesuites and Seminarie Priests, querthrow the danger evident to the true religioun and the Kirk of God may be rightly weyed, It was thocht meit to take a consideratioun of his Majesties indevore and of the haill Kirks forder in this matter; quherin, first, findrie of his Majesties good ettlings were laid down, speciallie at the raid of Aberdein, quherin his Majestie, Noblemen and Barrons, conveyit, made a Band for [the] surety of religioun, tooke the houses of the apostates, and put men into them, callit such as were Papists, quhilk were sent to Edinburgh to satisfie, and commissioun givin be his Majestie to the Erle of Marischell of Lievetennandrie for repressing of Papists and traffickers.

Sicklyke diverse Barrons callit in be his Majestie to cognosce the same to be thair hand wrytes of the blankes subscrivit be the apostate Lords, quho verified the samein to be thair hand wrytes.

Item, After his returning from the said raid, ane act of Counsell made, that nane sould procure at his Majestie to any favour or grace to them, with ane charge to his Ministers to take the oathes of his domestickes, that they sould no wayes interceid for them at his hand; quhilk was done.

[And as concerning the part of the Kirk in thir dangers: That it may appeare they have not bein ydle or negligent [in] craveing remedie, thair travells was considerit in this, that Commillioners from the Assemblie had proponit articles to the Parliament for forfaitour of the apostat Earles; that petitions were directit from a Convention of Ministers and Barons holdin in Edinburgh, to the King when he was at Jedbrught, and again

from another Convention holden at Linlithgow; of all quhilk small successe hes bein, and the danger nothing diminifchit. C. & B.]

Followeth the tenour of the Band and Aët above fpecified, [ordained to be regiftred in the Books of the Affemblic. C.]

We, Noblemen, Barrons, and vthers, vnderfubfcriueand, being fullie and certanelie perfwadit of the treafonable practifes and conspiracies of fundrie his Hienes vnnaturall and vnthankfull fubieëts againft the eftate of the true religioun prefentlie profest within this realme, his Majefties perfon, crowne, and libertie of this our native countrey, and finding his Majefties good difpofitioun to prevent and refift the famein, and to repreffe the cheif authors therof, his Majeftie having our concurrence and affiftance to the famein effect, Therfor, according to our bound duetie and zeale aught to Gods glory, love of our native countrey, and affectioun to his Majefties perfon, crowne, and eftate, we have promittit, and be thir presents promitts, faithfullie binds and obleifhes vs, and everie ane of vs, to concurre and take ane effald, leill and true part with his Majeftie, and ilk ane of vs with vthers, to the libertie and defence of the faid true religioun, crowne, and countrey, from thraldome of confcience, conquiefch and flaverie of ftrangers, and relifing, repreffing, and perfute of the cheife authors of the faids treafonable conspiracies; as, in fpeciall, of George Erle of Huntlie, William Erle of Angus, Francis Erle of Erroll, Sir Patrick Gordoun of Auchindoun, Knyght, Sir James Chifholme of Dundarne, Knyght, Mr James Gordoun, William Ogilvie, Robert Abercumbie, and all vthers Jefuites, Seminarie Preifts, traffiqueing Papifts, and vthers, his Hienes declairit traitours, rebellious and vnnaturall fubieëts, treafonabill practifers againft the eftate of the true religioun, his Majefties perfon and crowne, and libertie of this our native countrey: And to that effect, we, and every ane of vs, fall putt ourfelves in our armes, ryfe and concurre, and paffe fordwart with his Majeftie his Livetennants, or vthers having his Majefties power and commiffioun, at all tymes, as we falbe requyrit be proclamatiouns, miffive letters, or vther wayes, and fall never shrink nor abfent ourfelves for any particular caufe or quarrell amongft ourfelves: We fall not ryde, affift, fhew favour, give counfell to [nor take part with] the faids Erlis, Jefuites, nor vthers forfaids, nor get with the perfons de-

nuncit, or that falbe denuncit to the horne, or declarit fugitives fra his Majesties [lawes,] for the treasonable fyre railing and burning of the place of Dunibirstle, and murder of vmquhile James Erle of Murray, and neither receipt, supplie, nor intertaine them, nor get furnishe them meat, drink, housse, nor harberie, nor vtherways have intelligence with them, privatly nor publickly, be letters, missives, nor no vther manner of way; the skaith and harme of vthers we fall not conceale, but disclose and impede the same to our vtter powers; the quarrell or persute of vs or any of vs we fall esteime, lykeas presentlie we doe esteime, equall to vs all; and, be ourselves, our hail forces, lykeas his Majestie, with his Hienes force and authoritie, hes promittit and promitts to concurre and assist together, ilk ane in the defence of vthers to our vtter powers; and in case any variance fall happin to fall out amongst any of vs, for quhatsumevir cause, we fall submitt, lykeas presentlie we submitt vs, to the judgement and delyverance of any two or thrie of the principalls of vs, subscryvers of this present Band, and fulfill quhatsumevir falbe declarit be them but reclamatioun or contradiotioun.

Attour his Majestie, be whole directioun and command, with advyce of his Counsell, ther is certaine Barrons and vthers Gentlemen directit to remaine in the south parts of this realme, hes promittit, and be thir presents promitts, be the word of a prince, that the samein Barrons fall not be licentiat to returne home againe to the saids north parts; neither fall any favour be grantit to the saids Erles, Jesuits, nor vtheris above mentionat, nor [no] ordour tane nor dispencit with, without the speciall knowledge and advyce of the Livetennant and Commillioner for the tyme, and fixe of the principall Barrons, at the least, inhabitants of the saids north parts, subscryvers of this present Band: And this to doe, we, the saids Noblemen, Barrons, and vthers forsaide, hes sworne and swears be the great God our Creatour, Jesus Chryst his Sonne our Redeimer, the Holie Ghost our Sanctifier, witnelles of the veritie heir aggried vpon, and revengers of the breake therof; and farder obleishe vs heirto vnder the paine of perjurie, infamie, and tinfell of credit perpetuallie, honour and estimatioun in tyme comein, besydes the ordinarie paines of the lawes to be execute vpon vs, in signe and memorie of our vnnaturall defectioun from God and his Majestie. In witnes quherof, we have subscrivit thir presents with our hands, as followes, lykeas his Majestie, in token of his allowance and approbatioun of the premisses, hes subscrivit the samein, att Aberdein the day of Marche 1592.

[The names of these that subscribed the Band anent the Religion, at Aberdeen, March 1592.

JACOBUS REX.

Lennox.	George Ogilvie of Banff.
Atholl.	J. Lindlay of Brodland.
Marr.	George Roffe of Balnagoun.
Marishall.	William Forbessie of Tolquhown.
Henry Stewart of Uchiltree.	John Forbessie of Echt.
Cancellarius.	William Strachan of Glenkindie.
James Lord Lindfay.	Alexander Blakhall of that ilk.
John Lord Inverness.	John Lumisdane of Cuschnie.
Inuermethe.	John Urquhart of Culbo, Tutor of Cromertie.
John Master of Forbessie.	John Cuming of Earnside, younger.
Sir Robert Melvill.	William Leslie of Wardes.
Blantyre.	Alexander Forbes of Thainstounne.
[Cockburne, Sir John ?] Cobrone.	Mr Alexander Cuming of Ailster.
Tullibardine.	William Burnet of Campbell.
Sir George Hume.	Patrick Gordon of Hilhead.
Alexander Hume.	Andrew Harvy of Elke.
Drum.	William Forbessie of Corse.
John Grant of Frewquhy.	Alexander Forbes, Tutor of Brux and Gelane.
Walter Ogilvie of Finlater.	Alexander Forbessie of Fingask.
Philorth.	William Keith of Ludquharne.
Pitligo.	Alexander Skeene.
Robert Innes of that ilk.	Donald Farquhardfone of Tilligarmouth.
John Midletoun of Kilhill.	Thomas Frazer of
Walter Ogfstone of Fettercarne.	Hector Munro of Foullis.
William Achanachie of that ilk.	Andro Frazer in Tyry.
Mr William Meldrum of Mancofer.	William Sutherland of Duffus.
Robert Falconer of	Alexander Hay of Dalgetie.
James Lyall of	Walter Cheyne of Arnege.
Arthure Gardine of Banchrie.	
George Hume.	
Kenneth McKenzie of Kintail.	

Patrick Cheyne of Eflmonth.
 Gilbert Meingeis of Petfoddelis.
 J. Burnet of Leyis.
 William Forbessie of Carfindea.
 John Gordon, with my hand, younger
 of Auchindore.
 Alexander Forbessie of Auchintoul.
 George Jhonestoune of that ilk.
 John Forbessie of Colleis.
 George Bannerman of Waterton.
 James Gordon of Haddo.
 Andrew Reid of Collestoune.
 Andrew Tillidasse of Ranneftoun.
 Andrew Frazer of Stoniewood.
 William Forbessie of Monimusk.
 James Mortimer, feir of Cragivarr.
 Petrie Leslie of that ilk.
 Petrie Leslie of Kincragie.
 Andrew Leslie of Newleslie.
 James Stewart of Ryland.
 John Frazer of Crichtie.
 James Innes of
 William Abernethie of
 Thomas Leask of that ilk.
 David Brodie of that ilk.
 Mr William Leslie of Warthill.
 Mr James Skeen of Westercorfe.
 Alexander Strauchan of Thorntoun.
 Mr Robert Douglas of Glenbervie.
 J. Arefkine of Pitodrie.
 Robert Straguhan of Dillivaird.
 [Sir John] Wilheart of Pittarow.
 Robert Arbutnet, feir of that ilk.
 William Rossie appeirand of
 John Dumbarr of Maynes.
 Walter Watt of
 William Udney of that ilk.

Alexander Dumbarr appeirand of
 Tarbat.
 Mark Dumbarr of Dullus.
 William Seatoune of Blair.
 John Keith of Rewinlcraig.
 Duncan Leslie of Pitcaiple.
 Robert Coutis of
 George Mortimer of Auchinbeadie.
 Alexander Buchane of Auchmacoy.
 John Grahame appeirand of Morphie.
 John Pantoun of Pitmedden.
 Alexander Chalmer of Balnacraig.
 John Rossie of Auchlosin.
 George Meldrum of Drumbrek.
 Archibald Douglas of Pendreich.
 Robert Tulloch of Tannacheis, Provest
 of Forreffe.
 Alexander Cumming appeirand of
 Alter.
 William Keith appeirand of Pittarey.
 John Keith of Northfeild.
 Alexander Ogilwy of Boyne.
 John Hay appeirand of Lochloy.
 Alexander Kinnaird appeirand of
 Cubin.
 John Leslie of Dandileith.
 William Wrwing of Beltie.
 George Ogilvie of Cullen.
 John Chalmer of Bobithen.
 John Abercrombie of Skeith.
 William Dumbreck of Wrroune.
 Hugh Crauford of Qulithiil.
 George Adamson of Brako.
 John Innes of Auchlunkart.
 John Forbessie of Auchanachie.
 William Abercrombie of
 Robert Innes of Elrick.

William Chalmer of Achorthie.	Magnus Mowat appeirand of Bucholy.
William Forbessie of Barnes.	William Ogilvie appeirand of
Alexander Skeen of that ilk.	John Ogilvie of
John Irwine of Petmurchie.	Thomas Innes appeirand of Edingeith.
Alexander Caddell of Allowan.	Alexander Gardine of Blackfuird.
Alexander Innes appeirand of Path- nick.	George Gardine of Banchrrie.
Andrew Meldrum appeirand of	Alexander Keith of
Alexander Hay of	Thomas Burnet of Craigmyle.
[Alexander] Burnet of Gask.	Alexander Abernethie of Lathindrum.
William Ferquharfone of Kelleyis.	Alexander Spence of Boddum.
William Craig of Craigffintrie.	James Creightoun of Coulen.
Gilbert Ogilvie of	James Ogilvie of Blerock.
William Pendreigh of that ilk.	James Forbessie of Fichile.
Alexander Leslie of Bucharne.	Alexander Annan of Achterellen.
Mr John Innes appeirand of Cokston.	Andrew Meldrum of Auchorthie.
Alexander Fraiser of Dorris.	David Ramfey of Bomaine.
Andrew Knokis of that ilk.	Seatoun of Craigie.
	John Cruikshank of Tillimorgen.

[Apud Halirudhous quinto die mensis Januarij. Anno j^{co} v^o lxxxxij^o.

Foramekill as albeit the dangerous effectis of the couerit and biffy trauellis of Jesuitis, Seminarie Preitlis, born subiectis of this realme, and sum vthiris strangearis, thir late geiris hes bene oft espyit and fearit, and for that caus, be findrie louable lawis, actis, and proclamationis, alswel thair awin remaining as thair reflett, prohibite vnder diuers heich panes ; git thair cullowrit simplicitie and entisementis hes fa fer preuailit as thay haue nocht onlie purchest to thame selfis fauour and credite to be keipit, huirdit, and intertenyt in findrie partis of the realme, eftir mony promisses maid that thay sould haue departit furth of the same, but als thay haue tane occasioun and lasure to perswade findrie of his Hienes subiectis to apostacie frome that religioun quhairin thay wer fosterit, weil instruetit and groundit, and hes confermit vthiris in thair errouris, and at last seduceit thame to cast of thair dew obediens quhilk they aw to his Maiestie, and entir in tressounable conspiracie for inbringing of strangearis Spangeartis in this

realme, this nixt spring or founner, to the ouerthrow his Hienes and all professing the trew religioun with him, and to the ruyne and conquiest of this ancient kingdome and libertie quhilk this natioun hes inioyit fa mony ageis, that it may be subiect heireftir to the flauerie and tyrannie of that proude natioun, quhilk hes maid sic vnlauchfull conquiest in diuers pairtis of the warlde, alswele vpoun Christeanis as Infidellis, quhereuir the ayd of Spayne hes bene focht ; regairding in the end na better thair inbringaris nor thame aganis quhome thay wer inbrocht, being anes victoris and commandaris, as easilie may be provin be speciall examplis, quhilk the malicious and vn-naturall subiects of this realme wald repute bot as generall and improbable discourfis, publikt in haitrene of that natioun to quhome thay haue alreddy fauld thame slaveis, and ar thair freindis and factouris in this land as thay speik and write, wer nocht it hes bene the gude plesure of Almightye God to mak the pruffe heirop certane and without all doubt, be deteeting of the simple trowth of the intioun and finall caus of all the craftie practizes of thir pernicious trafficquing Papistis, Jesuitis, and Seminarie Preistis, aganis God, trew religioun, his Maiestie, and libertie of this cuntrey ; namelie, Maister James Gordoun, fader bruthir to the Erll of Huntlie, Maister Robert Abircumby, fader bruthir to the Laird of Murthley, quhais letters, directionis, aduyses, gea and the messingeris caryaris of thair credite and certane vthiris cheiff instrumentis and furtheraris of thair trade, God hes cassin in his Hienes handis, quhen the ship appointit for thair transporting wes in full reddynes to mak saill : Quhairby his Maiestie is now not onlie sufficientlie foirwarnit of the eminent dangeir to trew religioun, his awne estate and persone, his realme and faithfull subiectis, bot resoluut with Godis help, be quhais Providence he hes bene fa wounderfullie delyuerit fra mony former perrellis, to try the full circumstanceis of this fa heich a conspiracie and detestable tressoun, to withstand it, and pvnishe the same on all guilty thairof, in example to the posteritie ; and that nane of his subiectis heirtfoir abusit and dissavit be the craftie illusionis of thir pernicious and busy werkmen, fall remane ony langar doubtfull of the treuth, or of his Maiesteis awne mynd and intioun, Ordanis letters to be direct to officeris of armes, Schireffis in that parte, to mak publicatioun of the premis, be oppin proclamatioun, at the mercat croceis of the heid burrowis of this realme and vthiris placeis neidfull, for warning thame of thair awne dangeir, giff thay fall suffir thame selfis to be ony langer led in errour be sic dissavable spirititis, to the

perrell of thair faulis, bodyis, landis, and guidis; and therfoir to abstene frome forder harkenning to thair tressounable perswasionis, and frome all intertenyng, reffett, supplee, intercommoning, or haueing intelligence with thame, direſtlie or indireſtlie, vndir quhatlumewir pretext or cullour, vndir the pane of tressoun; commanding alswa all and findrie his Hienes faithfull and obedient subiectis that luiffis and feiris God, and wald the standing and weifair of his Maieſtie thair Souerane Lord and King, professing with him the said trew and Chriſteane religioun, and desyris that thay, thair awne wyffis, bairnis, and posteritie, should now and heireftir enioy the commoditeis of this thair natieue cuntrey, vnconqueist and made slaves in faullis and bodyis to merciles strangeris, that thay eirnistlie imploir the mercy and proteſtioun of Almichtie God for thair defence and fauegaird; and putt thame selfis in armes be all the gude meanis thay can, remaining in full reddynes to persew or defend as thay salbe certifeit be his Maieſtie or vthirwayes findis the occasioun vrgent; in the meantyme diligentlie eſpying and getting intelligence of the tressounable courſes and procedingis of the saidis Jesuitis, Seminarie Preistis, and trafficquing Papistis, thair fauouraris, mantenaris and reffettaris, and mak aduertisment to his Maieſtie or ony of his Counfall thairrof, with all speid and celeritie, as thay will ansuer to God and his Maieſtie thairvpoun. Reg. Sec. Conc.]

The Generall Asſemblye of the Kirk gives commiſſioun to thair brethren, Mrs Patrick Galloway, the Kings Maieſties Miniſter, Peeter Blackburne, and Patrick Simfone, to give information to his Maieſtie [reſiding then at Sterlin] of the evident danger imminent to the Kirk of God within this realme, according to the inſtruſtioun givin to them; and therwithall to preſent to his Maieſtie the humble articles and petitionis of the Asſemblye proponit for removeing of the saids dangers; and to inſiſt with all humilitie and due reverence for his Maieſties good ansuer thervnto, to the glorie of God and good of his Kirk; and to report with all good diligence his Maieſties ansuer, before they diſſolve.

The dangers quhilks, throw the impunitie of the excommunicat Papists, traffiquers with the Spaingeards and vthers enemies of the religion and estate, are imminent to the true religion profest within this countrey, his Majesties person, crowne, and libertie of this our native countrey.

The famein dangers, quhilks of befor be the craftie and pernicious practises of the Jesuites, and the malicious, vnnaturall, and treasonable conspiracies of the Erles of Huntlie, Erroll, and Angus, with their complices, threatens the subversion of the true religion, and the professours therof, his Majesties crowne and person, and betraying of this thair native countrey to the cruell and merciles Spaingeards, and were at that tyme discovered, and [vively] apprehendit be his Majestie and Estates, and hail body of this realme, so evidentlie that none can pretend ignorance, at this tyme are imminent, more vrgent, and more to be feared nor quhen the danger appeirit to be greatest, as may evidently appeir be the reasons following :

First, It is certaine that the Spaingeard, quho, with so great preparatioun in the 88 geir, interpryfed the conquest of this yle, remains as yet in that firme intentioun, and waites only vpon a meitt occasioun to accomplish that his purpose, as appeirs cleirly be his continueing in [this] intertainment of intelligence and traffiqueing with the forsaids excommunicats ever since the dissipatioun of his navie.

Secondlie, The manifest rebellions of the forsaids excommunicats and defectioun from his Majesties obedience, after so evident appeirances of thair wrack for thair manifest and treasonable attempts at the Brig of Die, at Falkland, &c. and the prooffe of his Majesties clemencie and favour towards them in pardoning thair foirsaids treasons, declares that thair malicious and restless ingynes in the prosecuting of thair vnnaturall conspiracies aganis the religioun and countrey, cannot leave [off] nor cease so long as they are not punished, nor restrainit by justice and executioun of justice.

Thirddie, Quheras the Kirk, at all occasiouns, hes insisit to declare to his Majestie and Counsell, and Estates, the dangers evident for the tyme, and to crave convenient remedies thervnto, yet in effect nothing hes bein obtained thervnto, notwithstanding quhatfomevir promises, actis, proclamations, readis &c. ; quherthrow they have bein alwayes put in great securitie, and takes libertie and boldnes of farther practises and attempts.

Fourthlie, Notwithstanding it was expressely provydit be act of Counsell, that none shold presume to traffique or speake in favour of the saids excommunicats, vnder the paine of tinfell of thair offices; yet now they are advancit in greater credit of his Majestie, that have bein knowin to be thair cheifest favourers; and they cease not yet, contrair to thair promises, to procure them all favour, sicht and immunitie, as it appeirs in effect, quhatsoever they pretend.

Fyftlie, The erectioun of the idolatrie of the Mefs in diverse quarters of the land, as, namelie, in Mr Walter Lindfayes house of Balgay in Angus, in the zong Laird of Bonytounes house of Birnes, in the Erle of Angus house of Bothwell in Cliddisdaill, and in the places of his residence in Dowglasdaile, and in the Erle of Huntlies house of Strabogie and Auld Aberdein, in the Erle of Errolls house of Logieamount and Slaines, proves cleirly that either they find themselves sufficiently assured of such favour and assistance within the countrey as may plainly maintaine thair cause be force, or els [that] they are perswadit of the aide of strangers, to be at readines in such due tyme as they may serve for thair releife, before that his Majestie and the professours of religioun performe any thing in effect in the contrair, or vtherwayes they durst never so openlie disclose thair idolatrie.

Sextlie, The refusing of the act of abolitioun offerit to them be his Majestie, to the great greife of his good subiects, proveth sufficiently the samein; for it is very probable and manifest that they never wald have refusit so great a benefite, except they had thocht themselves fullie assured of a better, either be favour of Court and assistance within the countrey, or be [concurrance and] aide of strangers without.

Sevinthlie, Thair refusall to entir in ward, notwithstanding of his Majesties indignatioun, and all that might follow therevpon, proves the samein.

Auchtlie, The late arriveall of this barke at Montrois evidently shawis, that thair dangerous practises are presentlie at the point of executioun aganis the religioun and the countrey, and mon hostilie bring forth some great inconvenient, except they be preventit and resistit be ane present remedie.

Nynthlie, The oppin conventiouns of the forsaide excommunicat Erles haldin at Brechin and vther places, since the arriveall of the said bark, declares that they esteime thair courtes now to be so substantially led, that they regard not quhat [may] be done for resisting of the same.

10. The diligence of the faids excommunicats in preparing and putting thair haill forces in the north in armes and readines, vpon advertifement, shewis that they have some present interpryse, and attends only vpon concurrence, quhilk appeirandly they are verie meikle animat to looke for since the arrivall of the said bark.

11. Quheras his Majestie and Estates, at the first discoverie of thair conspiracies, apprehendit a very great danger to true religioun, the Kings Estate and Crowne, and libertie of the countrey; and notwithstanding that the samein cause of danger as git remaines haill vnremovit, ther is no apprehensioun of any danger, nor earnest care to withstand it: It is evident, that either ther is ane inclinatioun and purpose to cover, extenuat, and beir foorth the evill cause, quherthrow they will not lie; or els the Lord in judgement hes blindit and hardnit the hearts of all Estates, to grop in the mid day that quhilk they cannot lie, quhilk is the greatest danger of all, and ane most certaine argument of the wrath of God, and his heavie judgement hingand over the land, and so meikle the more to be fearit, because ther is no cause of feare apprehendit.

Remedies of the samein.

For remedie of the forfaids dangers, the Assemblie ordaines the Com-missioners to deale earnestly with his Majestie, that he may apprehend the perrill, and be movit with ane bent affectioun, to proceed against the foir-namit excommunicats, Papists, traittours, as followis.

The Remedies.

1. That the faids excommunicats be forfaitit without favour, and to that effect, that the Parliament appointit to the 27 of this instant, be haldin preceisslie without any kind of delay; the advocat sufficientlie instructit in every point, that the sum-mounds may be found relevant, and sufficient probatioun provydit.

The Kings Anfuers.

There sall nothing of the turne be vndone on my part, as I have at lenth declarit to the beirers.

2. That none suspect of religion be chosin vpon the Articles.

Great reason, and farther as I have shawin the forsaid bearers.

3. That they be perfewit after the foirfaultrie be way of deid with all extremitie, and thair land and rents annexit to the crowne, to remaine with his Majestie and succeffours for ever, and no part therof disponit to any in favour of the persons foir-faultit.

Great reason, the foirfaultrie being endit.

4. That in the meane tyme his Majesties guard be imployit for apprehending of Mr Walter Lindsay, the Abbot of Newabbay, Bonytoun, ȝounger, Mr George Ker, Mr Alexander Leslie, Thomas Tyrie, with all vthers traffiquers, Jesuites, and Seminarie Preists, not contained in the fumounds of forfaultrie.

How willing I am to be imployit in apprehending any practiseing Papists, I remitt me to the bearers declaratioun.

5. That the rebells houfes be takin, chargit and mannitt, [and thair] livings intromettit with and vptakin into his Majesties vse without favour, and no part therof disponit to thair friends, or any vther person for thair comoditie.

Great reason how soone they are for-faultit; [and] I thank them for thair Counsell.

6. That all persons be inhite vnder the paine of treason, and tinsell of lyfe, land and goods, to receipt, supplie, ryfe, concurre, and have intelligence with the forsaids excommunicats, vnder quhatfumevir pretence of vassalls dependers.

Great reason, thair foirfaultour alwayes preceeding.

7. That the haill subiects be charged to put themselves in armes, be all good means they can, remaining in full readines to persêw and defend, as they shalbe certified be his Majestie, or vtherwayes findand the occasioun vrgent.

8. That the bark arryvit at Montrois be apprehendit, and that the persons that were within her, together with such [vthers] as hes had a dealing with them, according as they shalbe givin vp in tickett, be callit and diligentlie examinitt for discoverie of the practises and purposes quhilk they have presentlie in hand.

9. Forfameikle as the Lord Hooke contraveinit sundrie points, quherin he was obligitt to the Kirk of Edinburgh be his promise at the receiving of his subscription, as, namely, in not satisfieing the Assemblie of Fyfe; in not receiving a Minister in his house; in not removeing out of his companie Captaine Andro Gray and Thomas Tyrie; quherby, [as] also be his slanderous lyfe sen his subscription, he hes givin just cause of suspicioun to the Kirk and all good men, that in his heart he is not yet truelie sanctified and converted to the true religioun: Therefore, that his Majestie wald take earnest tryall of the premisses, and thereof judge if ther appeir in him sych a

To be ready at my charge is very meet; but I vnderstand not the last clause of vrgent occasioun.

I sall omitt no diligence in that quhilk can be requyrit at my hands, as I sall answer to God.

Distingue tempora et concordabis Scripturas. The meaning of this the beirers will expone vnto you.

finceritie of religioun and lyfe as his Majestie may lippen to, and the Kirk looke for fure freindship in such dangerous a tyme, in the caufe of religioun ; quhilk not being found, that his Majestie wald remove him fra his companie, and discharge him of all publick office and comandment.

10. That the Guard presentlie takin vp be tryed, together with thair Captaines, in respect of many complaints givin in against them to the Assemblie.

The complaints belongs not to thair office : Alwayes I have satisfied the beirers heirin. Sic subscribitur,

JAMES R.

At Edinburgh the 10 of May 1594.

The Assemblie gives commissioun to Mrs Patrick Galloway, Robert Rollock, Patrick Simfene, James Melvill, James Nicollone, to propone the dangers and remedies above wrytin to his Majestie, and to report his Majesties answers theranent. Sic subscribitur,

Mr ANDRO MELVILL, Moderatour.

Sessio 11^a. 13 Maij.

Anent the horrible superstitioun vsed in Garioch and diversie parts of the countrey, in not labouring ane parcell of ground dedicate to the Devill, vnder the name of the Goodmans Craft : The Kirk, for remedie therof, hes found meitt that ane article be formed to the Parliament, that ane act may proceid from the Estates therof, ordaining all persons, possesseurs of the faids lands, to caufe labour the samein betuixt and ane certane day appointit therto ; vtherwayes, in cace of disobedience, the faids lands to fall in the Kings hands, to be dispoit to such persons as please his Majestie, quho will labour the samein.

Sessio 12^a. 14 Maij.

Anent the supplicatioun of the Minister and parochiners of Bruntiland, desyreand the Assemblie to allow the act of the Synodall Assemblie of Fyfe concerning thair new kirk, in allowing therof to be the paroch kirk : The haill Kirk present being advyfit with the said ordinance, vnderstanding that the new kirk buildit be thame is most comodious for the parochin, both in respect of the greatnes of the congregatioun, and ewistnes of the place, and alwayes more convenient then the auld kirk, quhilk is not able to receive the congregatioun, and is farther distant from them : Therfor allowis and approvis the judgement of the Provinciaill Assemblie of Fyfe, and ordaines the said new kirk to be the paroch kirk therof in tyme comeing.

Alexander Lord Hoome compeirand in the face of the Assemblie, and inquiryt be the Moderatour, if he confessit in [his] heart befor the Lord, and with his mouth, that he was justlie castin out of the Kirk be a sentence of excommunicatioun pronouncit against him be the Synodall Assemblie of Fyfe, and, as he wald answer vpon paine of his salvatioun and damnatioun, simple to speake the trueth theranent, Protestit and acknowledgit [openlie,] that he was justlie excommunicat, and confest his fault therin : And being inquiryt why he foght not to be relaxit from the said sentence according to the directioun of the Presbitrie of Edinburgh, excusit him be ignorance of that part of the act : As also being accusit, that he detainit the stipend of fundrie of the Ministrie, speciallie of Chirnesyde, anfuerit, That he was ready [to doe] quhat he ought to doe of law : Being farther demandit, why he keipit not conditionis speciallie sett downe in the act of the Presbitrie of Edinburgh, as, namelie, tuiching ane Minister in his awin hause, tuiching the removeing of Thomas Tyrie out of his companie, anfuerit, That he remembrit not that he was obleisid be promise to have a Minister in his hause, get, in that point, he is content to have ane, as the Kirk fall appoint him ; [and] as to Thomas Tyrie, Grants that he was in his service sen his fubseryveing, bot vnderstands not that he was oblischid to remove him quhill the Kirk had procedit [to] excommunication against him, quhilk he beleives he foght of the Kirk, and beleives that they grantit [it ;] alwayes fra he was excommunicat, he removit him out of his companie ; and as to Johne Tyrie and Captane Gray, they were not his fer-

vants : Being inquyrit, if ther was any [person] callit Cowie, quhom with he spak shortly, or any sett on land with the bark that came last in [from Flanders,] Denyes the samein : And inquyrit if Macquhirrie was in his house shortlie, Grants, within this few dayes he was in his house, and came by his witting, haveing neither letter nor commissioun to him, and past away within halfe ane houre : And last of all, the said Lord confessit in presence of God and his holy angells, quhom he tooke [witnesses,] and the Lord Jesus [Christ] quhom he tooke Judge, quhen he shall come to judge the quick and the dead, that he professit from his heart the religioun presentlie professit be this Kirk here present, quherof he had alreadie subscribed the articles befor the Presbytrie of Edinburgh, and with his solemne oath confessit befor them, and now confesses befor the Assemblie, to be the only true and infallible religioun quhilk leids to salvatioun, quherin he myndis to live and die, and shall to the uttermost defend against all the enemies thereof ; and denies, as he shall answer to the dreadful God, the Romane Catholick religioun, as the Antichristian religioun directly opposit to the truth of God and his true service, quhilk he testifies to the hail Assemblie be upholding of his hand, and be solemne witnessing of God, that he has no dispensatioun nor indult to subscribe or sweare to the saids articles.

For farther satisfactioun of the brethren, the Kirk ordaines my Lord Provost of Edinburgh, Alexander Hooke, the Laird of Aittoun, Mrs Johne Davidstone, David Black, David Lindsay, to deale farther with my Lord afternoone, to try of his full resolutioun.

Instruētious to Sir Robert Melvill of Mordocairnie, and Alexander Hooke of Northberwick, Commissioners for his Majestie at the present Generall Assemblie, of Articles proponit in his Majesties name to the said Generall Assemblie at Edinburgh.

1. To protest that his Majesties royall priviledge, newlie sett fourth be act of Parliament, be not prejudgeit in the conveying of the next Generall Assemblie ; and to that effect, that befor thair dissolving at this time, they direct some of thair number to his Majestie, to be resolved be him vpon the time and the place of the next [meeting of the] Generall Assemblie, according to his Majesties proposition, and their promise in the last Generall Assemblie holdin at Dundie.

2. That they will ratifie and approve, be aēt of this present Assemblie, thair promise made to his Majestie in thair foresaid last Assemblie, that in any thing that any of the Ministrie had to crave, or complain to his Majestie, they should doe it be particular conference with himselfe, and not vtter publickly in pulpitt any vnreverent speeches against his Majesties person, Counsell, or Estate, vnder the pain of deprivation ; and that for this cause they will presently try and censure ane of thair number who hes contraveinit the said aēt : and in speciall, that they will examine so many of thair number as was present at the last Synodall Assemblie haldin at Perth, and charge them vpon thair great aithes and consciences, first, to declare what vnreverent and treasonabill speeches of his Majesty they heard Johne Ross vtter publickly from the pulpitt, in all thair audiences ; and nixt, whither they censurit him for the same thereafter or not ; and to desire them in his Majesties name, that according to the Synodall censuring of him, they wald judge him as he demerits on the ane part, and his Majesties modest behaviour, ever since the beginning of that turne, hes deservit.

3. That they will excommunicat Mr Andro Hunter, for bringing in ane scandall vpon thair professioun, as the first opin traitour of their functioun, against ane Christian King of thair [own] religion, and their naturall Sovereigne.

4. That be aēt of thair Assemblie they will ordaine every particular Minister within thair charge, to disswade, as weil be publick as privat exhortatioun, thair flock committit to thair cure, from concurring with the treasonabill attempts of Bothwell, or any vther traitours, that raifes or fall raife themselves vp against the lawfull authoritie placit be God in his Majesties person : and specially, that they fall narrowlie take heid, and not suffer any of thair flock to be seducit vnder colour of religioun, or whatinnever false pretext, to receave wages and become souldiours for service of any persons, except they fie his Majesties commission and warrand thervnto ; and namelie of Bothwell, quho hes presentlie, in diverse parts of this realme, attemptit the same.

5. That in respect the Parliament time is at hand, and the occasioun will suddenie serve for declaring of his Majesties godlie and honest intentioun in persecuting of the Papists [and] excommunicat Lords, both be law and vtherways ; that, therefor, they will seleēt ane or two Commillioners of the discreitest and wisest of every principall Presbytrie, and give them commisioun

to attend vpon his Majestie at this time, as weill that his Majestie may have thair good advyce and assistance in his good turne, no lesse concerning the estate of the religioun then the estate of his Majesties crown and country ; and likewise that his Majestie may, be their moyen, direct and inform quhat he wald wisch to be done be the haill rest of the Ministrie, as occasioun fall from time to time be present. Sic subscribitur

JAMES R.

Sessio 13^a. 14 Maij.

Anent the offence conceivit be his Majestie agains a brother callit Johne Rofs : The Assembly of the Kirk thocht it expedient that certaine of the godly, discreitest and best learnt men of the Kirk, sould be chofin out, befor quhom that matter sould be first brockin vp and preceillie handlit, and thereafter brocht in publick befor the haill number ; and to that effect were chofin Mrs Andro Melvill, James Nicolson, Robert Bruce, Robert Rollock, Johne Davidson, Johne Craig, David Lindsay, Patrick Galloway, James Melvill, Walter Balcanquell, Alexander Forbes, James Robertson, David Ferguson : Quhilk number were ordainit to conveine immediatly after thair ryseing in this house, and so many of the brethren of the Synodall of Striveling as are present, warnit to be ready as they salbe callit for.

Sessio 14^a. 15 Maij.

The quhilk day compeirit Alexander Lord Hooime in Assemblie, and with all humilitie craveit that he might be absolvit from the sentence of excommunication led againts him, protesteing befor God he wald in tyme comeing give prooffe of obedience and service to God, and mantaine the trueth of his religioun professit be the Kirk heir present to his lyves end ; and althogh he was sometyme in ane different religioun from them, now avowis, he being bettir instructit in the heid quherin he sometyme differit from them, the present Confessioun of Faith and religion professit presentlie be the Assemblie ; and if he full heirafter declayne therfra, submitts him in that cace to the Assemblie of the Kirk, hoping be Gods grace, never to make defectioun therfra.

The Affemblie, in respect this matter hes bein past be word, hes thocht meitt that certaine conditionis salbe sett downe in wryte, to be subfcrivit be his Lordship ; therafter his sute of absolutioun to be considerit.

Sessio 15^a. Eodem die.

The Affemblie ordanes ane fast to be keipit within the Presbitrie of Edenburgh, and sick vther parts quher the samein may be conveniently had, vpon Sunday the 26 of this instant, immediatlie preceeding the Parliament ; and his Majestie to be remembrit that ane exhortatioun may be had, according to the custome quibilk was keipit of befor, the first day of the Parliament, and a thanksgiving at the conclusion therof be ane of the Ministrie ; and also that his Majestie be put in mynd of the said fast appointit the foir-said day, to the effect his Majestie and his house may keip the samein.

In lyke maner it is ordanit, that a generall fast be observit [vniverfallie] through the haill realme, the twa last Sundayis of Junij nixt to come, with exhortatiouns and prayers to be keipit betuixt the twa Sundayis on the weik dayes : The causes of the quhilk fast salbe intimat and presentit the morne in wryte be Mrs James Melvill, Patrick Galloway, and James Nicolfone.

The samein day, the conditionis vnderwrytin being proponit to Alexander Lord Hoome be the Generall Affemblie, to testifie his vnfaigned repentance, after reiding of the saids articles severallie : First, he ratified and approvit the subfcriptioun and aith givin be him to the Confessioun of Faith, at Edenburgh the 22 day of December last, and that with ane solemne aith, halding vp his hand, and aggreeing to the said articles, and every ane of them ; [and] in token of acceptatioun therof, [protesting] he dois the samein sincerelie, subfcrivit the samein with his hand, humble requyring, in respect of his obedience and repentance, that the Kirk wald relaxe him from the sentence of excommunicatioun pronouncit against him.

The Affemblie, in respect of his repentance shawin, his aith and declaratioun givin gesterday, and obedience in subfcrivving the saids conditionis, being satisfieid therwith, and hoping that he sall fullie keip promise in tyme comeing, ordaines him to be abfolvit from the said excommunicatioun, and the sentence of absolutioun to be pronouncit be the Moderatour the morne at meiting.

Followis the Conditionis.

1. The Assemblie craves that the said Alexander Lord Hooke ratifie and approve the subscription and aith givin be him to the Confessioun of Faith, at Edinburgh the 22 day of December last, [or subscribe] and sweare againe de novo in face of the haill Assemblie, as false thought expedient.

2. That he remove and hald furth of his companie, all Papists and traffiquers aganis the true religioun, and quhatsoever [performs] false dilaitie to his Lordship to be suspect and corrupt in religioun; that he receive and intertaine in his house Mr Archibald Oswell as his ordinarie Pastour; and failing of him, some vther discrete and godlie Minister, be adyce of the Presbitrie of Dunbar; and that he make his familie subiect to the Word and discipline.

3. That he resort to the publick heiring of the word, in all places quher it fall happin him to repaire and have his residence, and that he communicate.

4. That he make his haill tennents and servants subiect to the discipline of the Kirk quher they remaine.

5. That he repaire all the ruinous kirks within the Pryorie of Coldinghame, and provide sufficient livings for Pastours plantit and to be plantit therat [according to the act of Parliament;] and suchlike of all kirks within his bounds, so farre as law and reason may bind therto.

6. That he make thankfull payment to the Ministers of Chirnside, Swintoun, and Fischak, of their stipends, conforme to thair assignations and decreits past thervpon, in case he be obliedit therto be law.

7. That he concurre, be his counsell, crydet, and assistance, for maintenance of the true religioun publicklye profest and taught within this realme, with the maintainers thereof, aganis all and quhatsoever wald come in the contrair, within the countrey or without.

8. That he neither receipt, assist, intertaine, intercomoun, or have [any] intelligence with, the excommunicat Papist Lords, Jesuits, Seminarie Preists, nor traffiqueing Papists; nor solist [for] thame, or shew them favour, directlie or indirectlie, in judgement or out of judgement.

9. That he neither reason nor suffer any reasoning to be against the true religioun, or any point thereof, in the places quher he may inhibit the same.

10. That he imploy himselfe carefullie to apprehend and present to justice Mr Alexander M^cQuhirrie, and all and quhatsumevir Jesuites, [Seminarie Priests, and traffiqueing Papists, that fall resort] within his bounds; and that he doe nothing that may be found be the minister appointit for the tryall of his behaviour, to be prejudiciall to the true religioun presentlie professit be the Generall Assemblie heir presentlie conveyit; and in cace he salbe found to contraveine any ane of the forsaid points, that, in that cace, he consent to be summarlie excommunicat vpon the notoriety of the fact. And in testimonie of his acceptatioun of the said conditionis, that he subserive thir presents with his hand. Sic subscribitur,

ALEXANDER LORD HOOME.

Forsameikle as Alexander Lord Hoome, be his subscription, is bound to observe and keip the conditionis proponit to him be the Generall Assemblie, and acceptit be him; and in cace he be found to contravein the samein, or any of thame, to be summarlie excommunicat vpon the notoritie of the fact: The Generall Kirk gives libertie to quhatsumevir Presbitrie that fall vnderstand of his contraventioun of the saids conditionis, to call him, and try him of the said contraventioun, and convicte him therof if he be found guiltie; and the convicetioun to be direct and sent to the Presbitrie of Edenburgh, to quhom the Kirk gives commissioun summarlie to pronounce the sentence of excommunicatioun against him.

Sessio 16^a. 16 Maij.

According to the ordinance of the Assemblie, the actioun of absolutioun of Alexander Lord Hoome being committit to Mr David Lindsay, exhortatioun being first made, the said Lord was inquiryit, If he was sorie in his heart for the fault and offence he had committit, and that he had incurrit the said sentence, and fand ane earnest dolour in his heart for that he was separate from the Kirk heir present so long, thirsting most earnestlie to be joynit thereto as ane member of Chrysts bodie, and promyseing, as he fall answere to God, in tyme comeing to continue ane constant professour in the trueth of his religioun, presentlie and publickly allowit be the Kirk of Scotland heir conveyit, to his lyves end, and to shew the fruites of a true Christian in his lyfe, removeing all slanderous persons out of his companie:

Quho anfuerit, in Gods prefence, It was his true meaning, and intendit to fhew the fame in evident effects in tyme coming: Quherfor, thanks being givin to God, and prayer made, he was folemnlie abfolvit from the faid fentence be the faid Mr David, and receivit be him in name of the faid brether, and embraced as ane member reconcileit to the Kirk.

Seflio 17^a. 17 Maij.

Forfameikle as Mr Andro Hunter, [Minifter,] hes desertit his flock, and is fugitive from the lawis, being bruitit and fufpectit to have joynit himfelfe with the Kings rebels: The Affemblie prefent depofes him fra the functioun of the Miniftrie, ay and quhill he have fatisfied for his offence, his Majeftie and the Kirk.

Anent the Kings Majefties Articles: In refpect the firft article twitches the tyme and place of thair nixt Affemblie, the haill Affemblie, with advyce of his Hienes Commiffioners, hes appointit thair nixt General Affemblie to be at Montrois, the laft Tuefday of Junij come ane geir; provyding alwayes, in cace it be found expedient pro re nata be the Presbitrie of Edinburgh to be fooner, vpon thair advertifement, the famein to be preveinit.

And as concerning his Majefties firft article, anfuer is givin, That the tyme and place is appointit in prefence of the Commiffioners, according to the act of Parliament.

As to the fecond, The act made at Dundie, de novo is ratified.

The anfuer concerning Johne Ros particular continued quhill afternoone. Concerning Mr Andro Hunter, The Kirk hes depofed him.

The 5 and 6 articles aggried vnto.

Ordaines every particular Pafteur, at his awin Kirk, to intimat the fentence of abfolution pronuncit in favours of my Lord Hoome, from the proces of excommunication led againft him.

Seflio 18^a. Eodem die.

Anent the matter of offence conceivit be his Hienes againft Johne Ros, Minifter, be occafion of ane fermoun made be him in prefence of the Pro-

vinciall Assemblie at Perth: The said matter being first ordainit to be treattit and weyt in privie conference, and ane certaine of the grave, learnit and godly brethren beand appointit therto, and to give thair judgements to the whole Assemblie, the said brether reportit thair advyce and proceeding in wryte as followes:

First, They have found that the peiple departit not out of the kirk befor the end of the doctrine, as it hes bein reportit to his Majestie, quherthrow he might have vttered any kynd of offence; and that the said Assemblie had pronuncit no damnatour sentence against him, bot that they onlie admonisht him vpon such causes and consideratiouns as efter followes:

1. In respect that he delyverit that doctrine at that tyme quhen his Majesties rebells and enemies were assemblit on the feilds, quherthrow it might appeare to the peiple, the Kirk allowit Bothwells treasonable attempts, and that the Assemblie of purpose had placit him in that rowme, to alienat the hearts of his peiple from his Majesties obedience.

2. In respect of certaine speiches delyverit be him without any sufficient warrand, so farre as they could sie and vnderstand, and namelie that sentence pronuncit against the house of Guise de futuro.

3. In respect of the hard delyverie of speiches spokin of his Majestie, quhilk might have bein thocht to have craveit greater zeirs and farther experience: Farther the haill brether, both of the Conference and of the Provinciall of Perth, all in ane voyce acknowledgis that ther is just cause of ane sharper rebuik and threatning of heavier judgements foorth of the grounds of that text, then hes bein or might have bein vtterit be him; and quhatfoevir he vtterit, as he deponit before God and [vpon] his conscience, he vttered it out of love, feiking alwayes his Majesties standing, on na pre-occupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane faul alwayes feiking and thrifling his Majesties honour and weil in God; and therfor approves his whole doctrine in that point, as it hes bein red and clarit be himselfe, in such heids as hes seimit to have bein most offensive.

And as concerning the admonitioun of the Provinciall of Perth, and the causes moveing them thervnto, the brethren reverences and allowes thair judgement in all things, vpon consideratioun as is befor exprest; onlie anent the sentence touching the House of Guise de futuro, because the haill brethren hard it not, [and] he himselfe professes he remembers not he spake swa, neither had he such meaning [at any time,] and confesses his fault if such ane word hes fallin out; the brethren thinks meitt with himselfe in that point, that if he hes spokin so, he hes failit, having no just warrand: And being myndit

to satisfie his Majestie alwayes so farre as [possiblie] may be done with ane good conscience, after earnest incalling of the name of God for assistance of his Spirit, and long advysement, hes found it good that the admonitioun of the Provinciall of Perth, as said is, be reverent of the said haill Generall Assemblie, and that the Assemblie at this tyme give farther to the said Johne Ros ane grave and earnest admonitioun, to speake at all tymes reverentlie and with such wisdom of his Majestie, as he alwayes may have so cleir ane warrand of his speiches as may fullie satisfie his awin conscience befor God, and may have the approbatioun and allowance of all his godly brethren : and that this admonitioun be extendit to all vther young men of the Ministrie, and to the haill Assemblie. Quhilk judgement of the haill brethren being well considerit be the haill Assemblie, after good deliberation, vottit to the approbatioun of thair said judgement, and allowit the samein in all points.

And therafter the said Johne Ros beand callit in, he, in prefence of the said Assemblie, protestit befor God, and [in] his conscience, that quhatsoever he vterit in the doctrine delyverit be him, he vterit the samein for love to his Majesties weill and standing, of no preoccupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane faul feikand his Majesties honour and weill in the Lord, haveand neither eye nor respect to his Majesties traitours beand then in armes vpon the fields ; get granting some words to be hardlie delyverit (thocht truewlie :) And as concerning the words spokin of the House of Guise de futuro, [as is alledgit,] befor the Lord, he remembers not he spake such wordes, neither had intentioun nor meaning to speake the samein, and if he spake the samein, it was ane fault et lapsus linguæ.

The Moderatour, at command of the said Assemblie, in the name and feare of God, admonischit the said brother, and all vthers young men of the Ministrie, and haill Assemblie, in all tyme comeing, to speake so reverentlie and discretly of his Majestie, that they may have so cleir warrand of thair speiches as may fullie satisfie thair awin conscience befor God, and have approbatioun and allowance of all the godlie, and his Majestie have no just cause of complaint and mislyking in tyme comeing : Quhilk admonitioun the said Johne with all humilitie revered.

Humble Anfuers of the Generall Assemblie of the Kirk [conveinit] at Edenburgh, the 27 day of May 1594, to his Majesties Articles, presentit be his Commiſſioners.

First, Anent the tyme and place of the Generall [Assemblie :] The samein is appointit be advyce of his Hienes Commiſſioners present, according to the act of Parliament.

2. The act made be the Generall Assemblie at Dundie, is de novo ratified and approvin. And the particular of Johnne Ros resolvit, as his Majestie false informit more particularlie be the Commiſſioners of the Kirk to be direct to his Grace.

3. Twitching Mr Andro Hunter: The Assemblie hes proceidit and givin ane sentence of deposition for his offence aganis him, quhill he satisfie his Majestie and the Kirk.

4. Every particular Minister within his charge is straitlie commandit to disswade their flocks, as weill be publick as privat exhortatiouns, fra concurring with the treasonable attempts of Bothwell, or any [vther] traitour to his Majestie, that raises or fall raise themselves vp against his authoritie; and sicklyke to take heid and suffer not their flocks, vnder cullour of religioun, or quhatsoever false pretext, to receive wages of any perfouns without his Majesties warrand, and namelie of the said Bothwell.

5. They have appointit a reasonable number of brethren to awaite on his Majestie, for satisfieing of the last article.

With thanksgiving to God for his mercies, the Assemblie dissolvit.

A. D. M.D.XCV.

THE Generall Assemblie of the Kirk of Scotland conveynit at Montrois, the 24 day of Junij 1595 3eirs.

Exhortatioun was made be Mr Andro Melvill, Provest of the New Colledge of Sanct Androes, and Moderatour of the last Assemblie. Mrs Robert Pont, Peter Blackburne, James Nicolfone, were on the leits, and the said Mr James, be pluralitie of vottis, was chofin Moderatour hac vice.

Sessio 2^a. 24 Junij.

Anent the questioun movit in the Assemblie, If it be proper to them to declare be the Word of God, quhat mariages are laifull, and quhat are vnlawfull, so farre as concernes the spirituall part therof: It was anfuerit affirmativé, that it was proper.

Sessio 3^a. 25 Junij.

Ordaines the Presbitries in all parts within this countrey to proceed against the Papists within thair bounds, with the sentence of excommuni-

cation : And becaufe of the weaknes of the Presbitrie of Inuerneffe, ordaines them to proceed therein with the advyce of Mrs George Monro, Johne Monro, Johne McKenzie, and Andro Crombie.

Forfameikle as diverse Papists and suspect of Papistrie, after thair subscription and aithes, pretending deadly feids, abstaining from the table of the Lord, quherby they vtter themselves in effect and in heart to continue Papists : Therfor the Assemblie ordaines the Presbitries quher sick persons are, to proceed against them with the sentence of excommunication so long as they refuse to communicat, in the samein manner as if they had not subscribed nor givin aith.

Forfameikle as diverse persons cutt of from the societie of the Kirk be sentence of excommunication pronouncit against them, nothelies they are receivit and intertainit as if they were the true members of Chrysts Kirk, to the great contempt of God, and the evill example of vthers : The Assemblie therfor ordaines the Presbitries quher such persons are, to proceed against them according to the acts of the Kirk, vnder the paine of publick rebuik in face of the whole Assemblie of the brethren of the Presbitrie, if fault be found in them, and making humble confessioun vpon thair knees of thair offence, in cace the samein be found in them as said is, and vnder the paine of the depositions of the Minister in whose default the said ordinance of the Kirk is not execute ; and that the samein penaltie and executioun be vsit and strike vpon them that hes intercomuning, intelligence, or familiaritie with the saids excommunicats, quhilk is vsed aganis the receivers forsaide, vnder the samein paine.

Seffio 4^a. Eodem die.

Forfameikle as ther is divers persons professing with vs the veritie of the Gospell, quhilkis nevertheles the space of diverse zeiris, vnder pretence of deadlie feids, hes withdrawin and daylie withdrawes them from participatioun of the holy table, declareing therby how little they esteime that great benefite, and in effect, as it were, cutting off themselves from the communion [of the faithfull:] Heirfoir ordinance is givin to all Presbitries within thair bounds, to charge all persons abstaining from the communion be reason of deadlie feids, notwithstanding therof, as it becomes christian members, to participat the said holy table ; and in cace they be obstinat

and refuse, to proceed with the censures of the Kirk against them ; it being alwayes considered be the Presbitrie, that if ther be any of infirmitie or tendernes of conscience that refuses, in that case the said Presbitrie fall travell with the saids persons to bring them to thair duetie and participatioun of the said table, granting, with good advyce and discretioun, some reasonable [tyme] as to resolve themselves, within the quhilk if they give not obedience, and refuse to participat as said is, that the said Presbitrie proceed against them with the sentence of excommunicatioun.

Sessio 5^a. 26 Junij.

The Kings Majesties Commissioners desyrit of the Assemblie, that he might have ane choise of such two of the Ministrie his Majestie wald nominat, in place of Mr Johne Craig and Johne Duncansone. The Assemblie hes found meitt [and votit] that a certaine of the most grave, learned, and best disposed brethren of the hail Ministrie be chosin and nominat be them, out of the quhilk it may please his Majestie to nominat two : Vnto that effect Commissioners to be appointit before the end of this Assemblie to advyse his Majestie of the choise to be made of these whose names false sett downe befor the Assemblie dissolve ; craveing his Hienes Commissioners to make his Majestie fairfein, that they may know on quhom his eyes are sett, and be resolvit befor thair louing.

Anent the planting of Kirks : Because ane speciall impediment hes bein therof, the dilapidatioun of the benefices posselt be the brethren of the Ministrie, quho [hes] sett thair benefices with the diminutioun of the rentalls, or be conversioun of victuall in silver, not regarding the acts and ordinances of the Assemblie : Heirfor for remeid, the Generall Assemblie hes givin power and commissioun to the brether vnderwrytin within the bounds particularlie vnder devydit, to call befor them sick persons within the Ministrie, that sen the act of the Assemblie, made in the geir of God 1578, hes sett thair benefices with diminutioun of the rentall therof, or conversioun of the victuall in silver, [and] to proceed against them with the sentence of depositioun, quhilk shall stand in force ay and quhill they restore thair benefice to the awin integritie, quherin the samein was at thair entrie ; that is to say, To Mrs Andro Melvill, James Melvill, Robert Wilkie, Thomas Buchanan, Andro Moncreif, to call befor them the saids persons within

the bounds following, viz. from Spay to Tay, and all Louthiane, Mers and Teviotdaill, to compeir befor them in Sanct Androes: Nixt Mrs David Lindfay, Robert Bruce, David Fergusone, Robert Pont, James Balfour, or any thrie of them, to sitt in Edenburgh, and call the faids dilapidatours befor them, within the bounds of the hail [north] to Spay and Fyfe, as als beneficit persons that hes made dilapidatioun within the Dyocie of Ros: Thirddie, Mrs Patrick Simfone, Andro Young, Harie Levingstoun, James Pont, Johne Davidfone, to sitt in Striveling, and call befor them the faids brethren that hes dilapidat thair benefices within the bounds of Strivelinghyre, Stratherne, Cliddifdaill, Dumbartane, Ranfrew, Lennox, Kyle, Carrick, Cunighame, Galloway, Nithefdaill: And for the better executioun to be had of this commissioun, ordaines everie Presbitrie within the bounds forfaids, to fend to the judges every ane of them within thair awin bounds, particular informatioun and anfuier to the heids quhilk salbe pennit be thair brother, Mr Robert Pont, betuixt and the 15 of August nixt: And to the effect that the Presbitries be not ignorant heirof, the Assemblie presentlie has nominat the brether after specifiet to give warning to the Presbitries within the bounds respectiv following, according to the divisioun aftir specifiet: That is to say, Mr Andro Crombie for Ros; Mr Alexander Rawfone, Mr Alexander Dowglas, for Murray; Mr Peter Blackburne, Mr Duncane Davidfone, James Reid, for Aberdeine; Mr Andro Mill, Mr Alexander Forbes, for Mernes; John Durie, Mr James Melvill, for Angus; Mr Alexander Lindfay, and William Glasse, for Stratherne; Mrs James Melvill, David Fergusone, for Fyfe; Mrs Walter Hay, Andro Blackhall, for Louthiane; James Deis for Mers and Teviotdaill; for Tweddall, Mrs Andro Blackhall and Walter Hay; for Strivelinghyre, Mr Adame Ballantyne; for Cliddefdaill, Ranfrow, Lennox, and Dumbartane, Mr Walter Stewart and Mr Gawin Hamiltoun; for Nithefdaile, Mr James Bryffeoun, Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr David Barklay: Quhilks informatiouns being receivit be the faids judges, ordaines them, with all diligence, to proceed against the faids perfouns. And for the faithfull executioun of the said commissioun, the said judges was sworne, except Mrs Thomas Buchannan, Robert Bruce, Patrick Simfone, Harie Levingstoun, James Pont, quho were not present.

Forfameikle as a great occasioun of the none planting of the kirks stands in laike of provisioun of the Ministrie, and that thair stipends from gear to

zeir, being changeable, they are drawin from thair kirks, to the neglecting of thair flockis, and to the disgracing of thair callings: With commoun advyce it is heirfor concludit and resolvit, that ane constant platt false sett downe be the brethren following, appointit out of everie province, quho shall sitt and conveye the first day of September next in Edinburgh; and befor their conventioun and fitting, every Presbitrie shall, betuixt and the 15 day of August next to come, delyver to thair saids brethren appointit of their provinces, ane resolvit informatioun, wrytin in forme of a booke in mundo, of the estate of thair kirks, in the heids following; viz. of the names of the benefices within thair bounds, whither the samein be severall benefices, or annexit; quho is patrone therof, quho is possessor; be quhat rycht the samein is brukit; the auld rent, the present rent, and the just availe therof; and quhat kirks may be unite or divydit: quhilks informatiouns being receivit and collectit together, the saids Commissioners conveying together as said is, shall appoint every Presbitrie severall dayes, to direct a speciall brother fullie instructit be them with a constant platt of the kirks within thair Presbitries; and the said brether swa directed, with the Commissioners forsaids, to conclude and put in forme a constant platt of thair Presbitrie, and so furth to proceed, quhill the worke be wholie made vp and compleit: and after compleiting therof, the saids Commissioners shall make warning to every Presbitrie to direct a brother from them to consider the haill wark; and the samein being allowit be the saids Commissioners and brethren from every Presbitrie, quhilks are considerit to be fiftie in number, the ratificatioun therof to be socht of his Majestie and Counsell: Of the quhilks Commissioners, chosen out be this Assemblie from the provinces, the names followes, viz. from Zetland, Orknay, Cathnes, and Sutherland, Mr Robert Pont; for Ros, Mr Andro Crombie; for Murray, Mr Alexander Dowglas; for Aberdeine, Mr Alexander Cunighame, Mr Peter Blackburne; for Mernes and Angus, Mr James Nicolfone, Mr Andro Milne; for Stratherne, Dunkeld, Dumblane, and Striveling shyre, Mr Patrick Galloway, Mr Alexander Lindsay; for Fyfe, Mr Thomas Buchannan; for Louthiane and Tweddall, Mr David Lindsay; for the Merse, Johnne Clappertoun; for Teviotdall, Mr Johnne Knox; for Clidfdall, Ranfrow, Lennox, and Dumbartane, Mr Gawin Hamiltoun, Mr Johnne Hewifone; for Nithefdall, Mr James Bryfon, and, in cace of his teiknes, Mr Hew Fullertoun; for Galloway, Mr Johnne Aikman; for Kyle, Carrick, and Cunighame, Mr Johnne Mcquherne: Quhilks brethren

and Commiſſioners in number 18, ſhall alſo have power to make ane platt for ane interim, quhilk being concludit be the ſaids Commiſſioners and a brother direct from every Preſbitrie, quhilk will make fiſtie mair, no reclamatioun ſalbe therfra, but [quhat] ſalbe concludit concerning the conſtant platt or interim, ſhall ſtand in conſtant force and full effect, as if the ſamein had bein concludit be the Generall Aſſembly, without any reclamatioun therfra, as ſaid is ; and becauſe the worke will requyre waiting on, and the ſaids aughtein Commiſſioners wilbe put to charges and expences, it is ordainit that thair expenſis ſalbe borne be thair provinces : And for the faithfull executioun [heirof,] they are all ſworne, except Mrs Alexander Dowglas, Johnne Knox, Patrick Galloway, Johnne Clappertoun, and Johnne Hewiſone, quho were not preſent.

Sefſio 8^a. 27 Julij.

Compeirit Sir James Chifholme in preſence of the haill brethren, and confeſſit with humilitie his offencis, namelie his apoſtaſie from the religioun, for the quhilk he craveit Gods mercie ; and farther he declairit that he profeſſes with vs the [haill] true religioun, renunceand the Antichryſt and all his errours, craveing from his heart to be receivit in the boſome of the Kirk ; with the quhilk the brethren being movit, concludit he ſould be relaxit be the Generall Aſſembly, at thair firſt meiting the morne, from the ſentence of excommunicatioun led againſt him ; and therafter the forme of his ſatiffactioun to be appointit and ſett downe be the Aſſembly.

The heids of Inquiſitioun to be made in everie Prelbitrie anent Dila-
pidatioun.

Imprimis, To take [up] from every beneficeit Miniſter the preſent rentall of his benefice, and quhat geirlye duetie, be his awin confeſſioun, he getts preſentlie of the ſamein.

2. If he hes ſett taks therof, [and] to quhom, privatlie or publicklye, and, if neid beis, to take his aith thereon.

3. To inquyre quhat was the eſtate of his benefice quhen he entred with it, and whither he was hurt [or vitiated] be his predeceſſour.

4. To take diligent inquisition not only be report of the benefic person himselfe, but be vthers that knowes quhat the iust valour of the benefice was worth, or payit of old in the best estate.

5. What the samein wald extend to in geirlye rent of teyndis, or vtherwayes, if it were frie of tackis, and in a Ministers awin hand ; and, if neid beis, that the Presbitrie or Commillioner call ane inqueist of men of best knowledge in the countrey about, to declare the veritie heirin, and send the samein to the judges appointit in due tyme, with the hail circumstances befor rehearfit.

His Hienes Commillioners presentit Articles from his Majestie, craveing the same to be red and ansuerit. [The tenor whereof and answers made thereto follow :

The tenor of the Kings Articles. C.]

His Majestie craves that ther be ane act made, ordaining that quhofoevir fall at any tyme practise any trefonabill interpryse or conspiracie against his Majesties person or estate, beand found and declairit culpable [therof] be law, fall lykewayes incurre the sentence of excommunication therfor, that therby ane inseparable vnioun may be betuixt the two fwords.

2. That ane ordour be takin concerning excommunication in thrie points, especiallie, first, That it be not at the appetite of two or thrie particulars, and that it be not proceidit in quhill first ane convenient number of the Kirk be gravelie conveynit. 2. That it be not for civill causes, or small crymes, and specially any Ministers particular, leif it be thocht that they imitate the Popes cursing, and so incurre the lyke contempt. 3. The forme of summar excommunication, without any citioun, be alluterlie abolischit in tyme comeing.

Item, In respect Mr Johne Craig is awaiting on quhat houre it fall please God to call him, and is altogether vnable to serve any longer, and his Majestie myndis to place John Duncanlone with the Prince, and therfor hes no Ministers bot Mr Patrick Galloway : Therfor his Hienes desyres ane ordinance to be made, granting him any two Ministers that he fall choofe.

[Humble Anſwers of the Generall Affembly, convened at Montroſe, to the Articles preſented be his Hienes Commiſſioners. C. & B.]

Fiſt, Quher ane ordinance is craveit to be made againſt practiſers of any treaſonabill interpryſes or conſpiracie againſt his Hienes perſon and eſtate, beand found and declairit culpable therof be law, that they therfor fall incurre the ſentence of excommunicatioun, The Generall Affemblye aggrith therto, legitima cognitione [eccleſiaſtica] preeunte.

As to the ordour craveit to be tane concerning excommunicatioun, eſpecially in 3 points containit in the ſecond article, The fiſt part is condifcendit to: And as to the ſecond, That no excommunicatioun falſe vſed in cauſes meere civill, or in ſmall matters, and the abolifching, in tyme comeing, of the former ſummar excommunicatioun without citatioun: Theſe points importing great weght, and craveing mature deliberatioun, the Affemblye hes thocht meit to ſuperceid all concluding therein quhill the nixt Conventioun, quher, by Gods grace, they mynd to reſolve thervpon; and that, in the meanetyme, none of the Miniſtrie proceed to excommunicatioun without citatioun preceeding, niſi periclitetur eccleſia et reſpublica.

Anent his Majeſties [ſute] concerning his Miniſters: It is agreeit that his Majeſtie ſhall have choiſe of the moſt grave, learned and godlie brether of the Miniſtrie, with advyce of the Commiſſioners following, to be direct to his Majeſtie, viz. Mrs Robert Bruce, Andro Melvill, James Melvill, David Lindſay, David Ferguſone, James Balfour, Thomas Buchannan, James Nicollſone, Andro Lamb, George Glaidſtanes, or any fixe of the ſaid brethren, quho are appointit to meit the 22 Julij nixt.

Seſſio 9^a. 28 Junij.

After humiliatioun of Sir James Chirholme on his knies, and acknowledging of his offence to the ſatiffactioun of the brethren, be the voyce of the Moderatour, the ſentence of abſolutioun was pronouncit in his favours, and he relaxit from the proces of excommunicatioun led againſt him.

Anent the act made in favours of the executours of Miniſters: The Affemblye and brethren preſent, for cleiring therof, declares, If the Miniſter die after Michaelmes, quia fruges ſeparatæ ſunt a ſolo, that his executours

fall fall that zeirs rent, and the half of the nixt ; and that the provioun of this act be extendit to the relicts of vmquibile Mr James Hamilton, and the Lords requesit to that effect.

Forameikle as ther is great caufe of humiliatioun of vs befor God, whose vilible anger appears on the heids of this land, get be the most pairt litle regairdit : The Kirk hes ordainit a generall fast and humiliatioun to be vniverfallie obsevit in all the kirks within this realme, vpon the twa first Sondays of August nixt to come : The causes therof to be led out gravelie be the Pastours, according to the grounds they fie and perceive.

[1. The great aboundance and increase of sin, and transgression of all the commandements of God, be all the Estates, fostred be impunity, and laike of justice, produceing in speciall all kind of murder and oppression.

2. The great apostacy, defection, and decay of zeal and godliness of every Estate.

3. The great and present danger, that the Church, Common well, and King standeth in, through the wrath of God, not only kindled against us, but also justlie burning and devouring us up already by fundrie fearfull plagues and punishments, as by unseasonable weather, dearth and famine, and the appearance of greater ; the deep conspiracys and daily confederacys of the faction of the known adversaries to religion, King, and countrie, threatning to root us out from being any more a nation, and the breaking and removing of our two states of Church and Common Wealth.

4. The compassion it becometh us to have of our brethren of other Churches, under no less danger than we, through all Europe, not only be the Confederats of the Counsell of Trent, but also be the barbarous crueltie and great bondage exercised and brought upon our dear and worthie brethren by such as it becometh not, specially in Poland, England, Saxonie, and diverse parts of Germanie. C.]

Forameikle as ther is ane abuse necessar to be remeidit, especially in Cathnes and some vther parts, quher they that posselles the benefices, dilapidat the haill rents therof, as the late Bischop of Cathnes did in speciall, except a very small quantitie, in pensious most prodigallie to all that socht the same, quherby he hes dilapidat the haill patrimonie of the said Bischoprick : For remeid quherof, the Assemblie ordaines Mr David Lindsay and Mr James Balfour to admonisch Mr Thomas Craig and the Solistiar of the Kirk, to persew the saids pensioners for reduction of their pensious,

quhilk cannot stand be the law, of the hail, or of the most part of the fruites of any benefice, and to insist diligentlie therin.

Anent mariages : The Assemblie declarit thir two forts to be vnlawfull ; first, when ane person marieth another quhom they have pollutit by adulterie ; nixt, quhen the innocent person is content to remaine with the [nocent and] guiltie, and the guiltie will have another, or takis another.

As concerning mariages made be excommunicat Preists, or vthers that hes served in the Kirk, and [are] deposit from thair office, or be privat persons : The Assemblie declares such mariages to be null ; ordaining the brethren of Edinburgh to travell with the Commiffars of Edinburgh, that they decyd according to the saids conclusions.

Anent the contraverfie betuixt the Ministrie of Sanct Androes and William Balfour : The brethren appointit to conferre theranent reportit thair judgement following, That the said William fall declare that he knew no vther but that Mr David Black, Minister of the towne forsaid, had left the procefs of the mans contravertit, and that he hes no wayes proceedit therin, in contempt of the Kirk, or any particular person within the same ; and thir things he does protest in conscience, and confesses that he hes done vnduetifullie ; that is to say, that he hes ovirsein himsele in his duetie towards the Kirk, in midling, not forwarning them with the title of the house quherin he dwells, in respect of the Kirks designation therofof past of befor, for the quhilk he is penitent befor God and his Kirk : provyding alwayes, that the said confessioun be no wayes prejudiciall to the said William in the right and title of the said house, and that the samein be no wayes objected against him, in judgement or out of judgement ; and that the said William fall make the said confessioun befor the brethren of the Conference of this Assemblie, the brethren of the Presbitrie that are heir being present : The quhilk being done, that this present Generall Assemblie fall discharge the said Presbitrie of Sanct Androes from all proceedings be censures aganis the said William for that matter, and in lyke maner, the said Mr David from all publiet invectiouns aganis the said William in his fermouns for that cause ; and the said Mr David and William, in token of forgiveness of all mutuall offences bygane, and professioun of christian amitie in tyme to come, fall joyne hands together befor the said brether of the conference, and keip the samein amitie in tyme comeing ; remittand the contraverfie of thair titles to the discretioun of the Judges ordinar : and this to be ordainit be the General Assembly, to be declarit in the paroch kirk of Sanct An-

droes, be Mr William Scott, Minister at Kennoquhy. The brethren appointit to conferre be the Generall Assemblie were thir, Mrs Robert Bruce, Peter Blackburne, William Scot, Thomas Buchannan, Andro Lamb, Johne Caldeleugh : Quhilk judgement of the said brethren the Generall Assemblie approvit in all points.

Anent Gramer Schooles in Townes : Every Presbitrie, within their awin bounds, is ordainit to take ordour for visitatioun and reformatioun therof, and to deale with the Magistrats for augmentatioun of their stipends and provisioun of Maisters ; as also appointing of some persons most meitt of their Counsell, to attend carefullie on the Schooles, and to assist the Maisters in discipline.

Anent the actis of the Assemblie : The brether hes ordainit that the samein be sichtit, and speciall acts for practife of the Kirk be extractit and joynit with the Booke of Discipline, to be publishit either in wryte or print, that none pretend ignorance therof ; and to this effect to concurre with the Clerk, Mrs Robert Pont, Thomas Buchannan, James Melvill, Johne Johnstoun, and James Carmichael.

Anent Colledges : In respect that it is thocht necessar that ane visitatioun be had of the samein, the present Assemblie hes givin commissioun to their brether, Mrs James Melvill, Thomas Buchannan, James Balfour, Robert Rollock, Walter Balcanquell, Nicoll Dalgleisch, James Nicolfone, and Alexander Forbes, to conveine together the first day of January nixt to come, to the visitatioun of the saids colledgis, to try, examine, and consider the doctrine, lyfe, and diligence of the Maisters ; the discipline and ordour vlit be them ; the estate of their rents and livings ; and quher they find abuse, to reforme so farre as they [may :] remittand to the Assemblie such things as they cannot take ordour with ; and quhat they effectuat heirin, to report to the nixt Assemblie.

A. D. M.D.XCV.

THE Generall Assemblie of the Kirk of Scotland, haldin at Edin-
burgh, in the New Kirk thereof, the 24 [22. P.] day of Marche
1595. 76

Exhortatioun beand made be Mr James Nicolfone, last Moderatour, the
Assemblie proceedit to the electioun of a new Moderatour, and appointing
on the leits Mrs David Fergusone, David Lindsay, James Balfour, Robert
Pont, the said Mr Robert, be pluralitie of votis, was chofin Moderatour
hac vice.

[Mr Davidson, Minister at Saltprestoun, and a member of the Presbytrie
of Hadintoun, produced the advice of that Presbytrie, touching the heads
of the letter sent from the Commiffioners of the Generall Assembly to
them. The tenor whereof followeth :

Touching the two heads proponed be the Commiffioners of the Gener-
all Assembly to their brethren, to advise upon against this Assembly ;
viz. Of univerfal repentance, and earnest turning to God : And of
order taking for resisting the enemies, and maintainance of the
liberty of religion and country.

Our advice in the first is, That yet once at the last, the chief and gros
sins of all estates, which procure this present wrath of God, be agreed upon

by name severally, and acknowledged by this Assembly, for the more easie provocation of the whole body of this realme to earnest repentance, and speedy turning away from the sins foresaid; for as John saith, If wee acknowledge our sins, God is faithfull and just to forgive us our sins: otherwayes, if in so great a multitude of our iniquities, which this day answer fo plainly to the faces of all estates of this realme, wee say one still with the unhappy Jewes, as hitherto wee have done, Wherein have wee sined: what else do wee, but as desperatly they did, and said in the days of Jeremy, Surely wee will walk after our own imaginations, and doe every man after the stubborneffs of his wicked heart. And so as it is said in the Law, The Lord will not be mercifull vnto us, but will shew us the back, and not the face, no not though Moses and Samuel would pray for us in the day of our destruction.

And to begin at ourselves of the Ministry, That wee acknowledge our publick transgressions in our persons, and office particularly, whereof the catalogue is in readines to be seen, according to the admonition of the Lord by his prophet, saying, Let the priests, the ministers of the Lord, weep between the porch and the altar, and let them say, Spare thy people, O Lord, &c.; lest it be found according to the saying of the Apostle, That wee that teach others, teach not ourselves, and so be found reprobats.

Next, That this Assembly agree upon the true and right taking up the sins of our Princes, and Magistrats superior and inferior; and on the found means to deal with them duetifully and faithfully, without all flattery, for their true amendment, according to Gods command to the prophet, saying, Say unto the King, and to the Queen, humble yourselves, sit down, for the crown of your glory shall come down from your heads; ffor their sins are not the least cause of the plague of God on the people, as by David, Manasses, and others may be seen.

Thirdly, and last, That the most notorious sins of the whole body of the people in burgh and land, be given in, and acknowledged, and order taken for the speedy ammendement thereof by the Ministry and Magistrats, according to the examples of Josuah, Jehosaphat, Ezekias, Josias, the King of Niniveh, Constantius, Constantine, &c., the Prophets, and Apostles, &c. The catalogue over easy to be made.

As for resisting the common enemy, which is the second, our judgement is, That the found following out of the former advice touching the first, shall make an easy way for the second; otherwayes, which God forbid, it

will be but lost labour to travell much in that matter ; yet wishing and hoping the best, wee have remitted the particulars of that matter, and our advice thereanent, to the Commissioners of this Presbytrie, who faithfullie (wee doubt not) will discharge their duty in the same.

This advice was approved be many, but withstood be some, namely, the Moderator himself, Mr Robert Pont, who alledged, that the first and chief motive of their conveneing was to consult upon their withstanding the Spainards. The Commissioners letter was read, and it was found that Mr Davidson had said right.

Mr Davidson was appointed to give up the particular catalogue of the chief offences and corruptions in all estates.

He presented the catalogue of offences in Ministers, upon Wednesday before the Assembly. Mr Andrew Melvill desired to be added, The censure answerable to the offence. Whereupon Mr Nichol Dagliesh, Peter Bleckburn, Walter Balcanquall, John Mackquhern, Adam Johnston, John Knox, James Law, John Johnston, and Mr Davidson himself, were appointed to goe apart, and to consider what offence merited admonition, what deprivation ; which they did. C.]

Sessio 4^a. 25 March. [1596.]

[Upon Wednesday the 25 of Marche, the King came himself to the Assembly. He urged a contribution of the whole realme, not to be lifted presently, but when need should require. The Moderatour expounded to his Grace, the two heids quherin the Kirk hes hitherto bein occupied, and how farre els it hes proceidit, viz. First, The substantiall heid, [for] moeyen how to resist the enemye, quhilk was verbo recited be my Lord Kinlofs, for the rest of the number deput to advyse therwith ; and nixt, concerning the purgatioun of the Kirk of offences : And because the first is not yet thoroughlie concludit, the Assembly thocht it expedient that the Barones and Ministrie quhilk mett thervpon, take farther resolutioun afternoone, and present thair advyce to the Assemblie in wryte. C. & B.]

His Majestie thereafter proponit the lamentable disfordour of the geirlie alteratioun of the platt [appointed for the modification of Ministers stipends,] and therfor desyrit that ane constant platt sould be made, quherunto his Majestie was most earnestly bent. The Assemblie hes thought meit

befor any thing be concludit therin, to fie the aēt of Parliament made in the zeir of God 1592 zeiris.

Sessio 5^a. Eodem die.

Overtures for refisting of the enemies of the religioun and estate of the countrey, asweill forraine as intefline.

First, That all sic that hes kythit in aētioun with his Majesties forfaultit rebels, and thair knowin favourers and allisters, be chargeit to enter thair persons in ward, ther to remaine ay and quhill they find sufficient caution, that they fall not traffique nor intertaine intelligence with the saids rebels, nor any vther enemies to the estate or religioun, neither fall joyne with them nor make them any assistance, in cace they repare within the countrey; and that they give thair eldest sonnes or neirest freinds in pledgis for the [maire fure] observing heiros.

2. That the hail livings of the forsaids rebels to his Majestie, be exactlie tane vp be his Majesties officers to be appoyntit for that effect, and to be imployit for the intertainment of hyred men, for defence of the good cause against the enemies, and for bearing of vther charges necessar for the advancement of the said cause, as ane of the effectuell meanes to encourage all such as are knowin to be weill affectionat to the cause, and to procure thair anefald concurrence to the vttermost.

3. That ther be chosin in every paroch be his Majesties autoritie, and vott of the Minister, Sessioun, and Principalls of every paroch, Captaines knowin to be most meitt [and of best affection], to conveyn the hail paroch in armes monethlie in mustures, and to fie that they be all sufficiently armeit according to thair abilitie, and trainit vp in the exercise of thair armes: And sicklyke that ther be chosin Generall Commanders in diverse quarters and shyres of the countrey, to conveyn in armes at all occasiouns neidfull, to resist all attempts and interpryses of the enemy forraine and intefline.

4. That some substantious ordour be takin for bringing hame sufficient number of corselets, musketts, picks, and vther armour neidfull; and that the samein be brocht and receivit aff the merchands hands with all expedition.

Laft, That the haill cautioners that became bound for the good behaviour of the faids rebels without the countrey, be chargeit befor the Counfell, and convict of the penalties conteinit in the acts of the cautionrie; and that the faids penalties be imployit vpon the fustentatioun of hyrit men, and vthers burdens neidfull for the weill of the cause.

Seffio 6^a. 26 March.

Forfameikle as the towne of Edenburgh hes takin purpofe and labour in divyding of their populous congregatioun, and hes made good progresse therin to the good example of the countrey; nottheles the worke remaines imperfyte in a part, through not divisioun of the Auld Kirk be a parpall wall, being verie commodious and litle expenfive: Therfor the Affemblie directit my Lord of Kinlofe, the Kings Majesties Commiffioner, the Lord Sinklair, the Justice Clerk, Mrs Peter Blackburne, James Nicolfone, Andro Melvill, [to] the Counfell of the faid burgh, immediatlle from the Affemblie, to exhort and requellit the Counfell to further and perfyte the good beginning, and to divyde the faid kirk be ane parpall wall.

Quho returning back with the Bailgies of the towne, declarit that the Counfell, be reafon this day of Law is not frequent, alwayes to the divisioun be a parpall, hitherto they could not aggrie, being myndit to build the Tolbuith; defyreand the Kirk earneftlie to requellit the Lords and Colledge of Justice, quho hes land within the burgh, that they wald contribute therto: quhervnto the Kirk aggried, provydeing that they wald fall to presentlie to the divisioun be a parpall: ordaining the Bailgie to report the direct anfuwer of the Counfell heirvpon, vpon Mononday nixt to come.

Ordaines ane article to be givin in to the Kings Majestie for eftablisshing ane act, annulling all taks fett be Minifters without consent of the Affemblie.

Seffio 7^a.

Anent contraverfies and decilioun therof amongft the Minifters: The Kirk and Commiffioners present ratifies the act made at Dundie heiranent,

and ordainit the fame to be extendit to Reidars afweill as Minifters; and the paine of contumacie mentionat theirin to be deprivation.

Because the bounds of Nithefdail, Annandaill, and Galloway, are deftitute of Paffors, the Kings Majefties Commiffioners proponit to the Affembly, that the Kirk wald take care to appoint fome qualified men for the Miniftrie ther, for whofe provifion and intertainment his Majeftie wald take ordour.

Concerning the defection of the Miniftrie: The famein at length being red out, [reaſonit,] and confiderit, the brethren concludit the famen aggrieging therwith; and in reſpect that be Gods grace they intend reformation, and to ſie the Kirk and Miniftrie purgeit; to the effect the worke may have better ſucceſſe, they think it neceſſar that this Affembly be humblit for wanting ſuch care as became them in ſuch points as is ſett downe, and ſome zealous and godlie brother [in doctrine] lay them out for thair better humiliation, and that they make ſolemne promiſe befor the Majeſtie of God, and make a new covenant with him for a more reverent and carefull diſchargeing of thair miniftrie: To the quhilk effect was choſin Mr John Davidſone, and Teuſday nixt, at nyne houres in the morning, in the New Kirk, is appointit for that effect; quhervnto none is to reſort but the Miniftrie. The forme is to be advyſed the morne in private conference.

Sefſio 8^a.

[This commiſſion following was given for viſitation of Kirks.

For as much as it being conſidered be the Affembly and Commiſſioners preſent, to be a thing moſt neceſſar, that the moſt dangerous parts of the country, and where leaſt, or no planting is, a viſitation ſhould be appointed to occurre the dangers already fallen out, or that may farther fall out if they be not prevented; and for the better planting of the Miniſtry, where as yet it is not planted: Herefor the Affembly has given and committed, and be the tenour hereof gives and committs their full power and commiſſion to their loving brethren under written within the particular bounds after ſpecified, according to the diviſion following, to viſit and try the

doctrine, life, diligence, and fidelity of the Pastors within the Presbyteries, where they are established already; and also in the bounds, where as yet no Presbyteries are planted; and therein to take inquisition and tryal, if there be any beneficed persons of the Ministrie not making residence, having no reasonable cause to purge the same; if there be any that have delapidated their benefices, sett tacks, or made to others dispositions of their benefices, or any part thereof, by the consent of the Generall Assembly; any slanderous, or unmeet to serve the Kirk of God: And if any such be found, to proceed against him according to the quality of the said offence, according to the acts of the Kirk; assuming to them such brethren of the Presbytrie, where they make tryal, as they think most zealous, sincere, and best affected to reformation, to assist them, with power alswa to depose such as are worthy of deposition be the acts of the Kirk, and place others in their rowmes. And where no Presbytrie is, the brethren appointed to the visitation of these bounds, to travell diligently to plant the Ministry therein, and to proceed in all the heads above written be themselves, with the like power of deposition with the former. The particular times of their visitation to begin as hereafter shall be appointed; and generally, in all things to proceed as the Assembly might doe, if they were present: That is to say, for the bounds of Orkney, Zetland, Caithness, and Sutherland, Mr Robert Pont, Mr Alexander Dowglafs, Minister at Elgin, Mr George Monro, Elder, to beginne their visitation the first day of June next: For Ross, Murrey, and Abberdeen, Mr James Nicolson, Mr Patrick Bleckburne, Mrs James Melvill, Andrew Melvill, with the said Mr Alexander Douglass, to begin their visitation the first of August next: For Angus, Mr James Balfour, David Lindsay, Andrew Muncraif, or any two of them, to begin their visitation the first of July next: For Kyle, Carick, Cuninghame, and the bounds of Galloway, Mrs Robert Bruce, Patrick Sharp, John Spotfwood, to begin their visitation the first of July next; and the said Mr Robert Bruces place, in his absence, to be supplied be Mr Robert Rollock: For Nithsdale, Annandale, Lauderdale, Elkdale, and Ewisdale, Mr John Davidson, John Johnston, William Scott, John Carmichael, John Knox, and John Welsh; their visitation to begin the first of August next to come. And ordaines the Presbyteries which have no visitors appointed be this Commission, to be carefull in their own visitation while the next Assembly: Injoyning also the Presbyteries, out of which Commissioners are tane to visitation, and what the said

Commissioners doe in execution of this commission, to report to the next Generall Assembly of the Kirk, &c. C.]

The tenour of the advyce of the brethren deput for penning the corruptions and enormities in the Ministrie, and remeid therof, allowit be the Generall Assemblie heir conveynit.

Corruptions in the Office.

Forfameikle as be the too suddan admissioun and light tryall of persons to the Ministrie, it cometh to passe, that many slanders fall out in the persons of Ministers, it wald be ordainit in tyme comeing, that more diligent inquisition and tryall be vsed of all such persons as fall enter in the Ministrie, as speciallie in thir points.

That the intrant falbe posed vpon his conscience befor the great God, (and that in the most grave maner,) quhat moves him to accept the office and charge of the Ministrie vpon him.

That it be inquyrit, if any by solistatioun or moeyen, dire@lie or indire@lie, prease to entir in the said office; and it being found, that the solister be repellit, and that the Presbitrie repell all such of thair number from votting in the electioun or admillion as falbe found moyeners for the solister, and posed vpon thair conscience to declare the trueth to that effect.

Thirdly, Because be presentatiouns, many forcible are thrust in the ministrie and vpon congregatiouns, that vtters therafter that they were not callit be God, It wald be provydit that none seik presentatiouns to benefices, without advyce of the Presbitrie within the bounds quherof the benefice lyes; and if any doe in the contrair, they to be repellit as rei ambitus.

That the tryall of persons to be admitted to the Ministrie heirafter, consist not only in thair learning and abilitie to preach, but also in conscience, and feiling, and spirituall wisdome, and namelie, in the knowledge of the bounds of thair calling, in doctrine, discipline, and wisdome, and to behave him accordingle with the diverse ranks of persons within his flock, as namely, with atheists, rebellious, weake consciences, and sick vthers, quherin the pastorall charge is most kythit, and that he be meitt to stop the mouthes of the adversaries; and lick as are not found qualified in thir points to be delayit to farther tryall, and quhill they be found qualified.

And becaufe men may be found meit for fome places, quhilk are not meitt for vthers, it wald be confidderit that the principal places of the realme be provydit with men of moft worthie gifts, wifdome and experience, that none take the charge of greater number of peiple nor they are able to difcharge; and the Affemblic to take ordour heirwith, and the act of the Provinciaill Affemblic of Louthiane made at Lynlithgow to be urgeit.

That fuch as falbe found not givin to thair booke and studie of Scriptures, not carefull to have bookis, not given to fauctificatioun and prayer, that studie not to be powerfull and fpiritual, not applying the doctrine to his corruptiouns, quhilk is the pastoral gift, obfcure and too fcolaflike befor the peiple, cauld and wanting zeale, negligent in vifiteing the feik, caring for the poore, or indifcreit in choofing of parts of the Word not meiteft for the flock, flatterers, and difsembling publick fins, and specialle of great perfonages in thair congregatiouns, for flatterie or feare; that all fiek perfons be censured according to the degries of thair faults, and continueing therin, to be depyvrit.

That fuch as be flouthfull in miniftratioun of the facraments, and irreverent, as profaners, receiving cleane and vncleane, ignorants and fenfles profane, and making no confcience of thair professioun in thair calling or families; omitting due tryall, or vring none or light tryall; having refpect in thair tryall to perfons quherin there is manifelt corruptioun: that all fiek be fharpely rebuikit, and if they continue therin, to be deposite. And if any be found a feller of the facraments, that he be deposite fimpliciter; and fiek as colludes with flanderous perfons, and difpenfing and ovirlicieing them for money, incurre the lyke punifhment.

That every Minifter be chargeit that he have a Sellioun eftabliſhed of the meiteft men in his congregatioun, and that difcipline ftrike not only vpon groffe finnes, as whordome, bloodſhed, &c. but vpon all fins repugnant to the Word of God, as blaſphemie of God, banning, profaining of the Sabbath day, difobedience to parents, idle vnrule anes without calling, drunkards, and ficklyke deboshit men that makes no confcience of thair lyfe and ruleing of thair families, and specialle of educatioun of thair children, lying, flandering, backbytting, flattering, and breeking of promiſes: And this to be ane vniverfall ordour throughout the realme; and fuch as are negligent, continueing therin after admonitioun, to be deposite.

That none falling in publick flanders be receivit againe in fellowſhip of the Kirk, except his Minifter have ſome appeirand warrand in confcience,

that he hes both ane feiling of sin, and apprehensioun of mercie ; and for this effect that the Minister travell with him be doctrine and privat instructioun, to bring him heirto, and specially in the doctrine of repentance, quhilk being neglected, the publick place of repentance is turned in a mocking.

Dilapidatioun of benefices, dimitting of them for favour or money, that they become laik patronages, without the advyce of the Kirk ; and sicklyke, interchanging of them be transactioun, and transporting of themselves be that occasioun, without the knowledge of the Kirk, be precislie punished : Sicklyke, fetters of taks, without the consent of the Assemblie, be punished according to the acts ; and that the dimissioun in favours for money or vtherwayes to the effect above wrytin, be punished as the dilapidatours.

Corruptiouns in thair persons and lyves.

That sick as are light and wantoun in thair behaviour, as in gorgeous or light apparrell, in speich, in vseing light and profane companie, vnlawfull gameing, as dancing, cardeing, dyceing, and such lyke, not befeiming the gravetie of ane Pastour, be sharplie and gravelie reprovit be the Presbitrie, according to the degrie therof ; and continuing therein after due admonitioun, that he be depyvit as slanderous to the Gospell.

That Ministers being found swearers or banners, profaners of the Sabbath day, drunkards, fighters, guilty of all thir or any of them, to be deposit simpliciter ; and such lyke, liers, detracters, flatterers, breakers of promises, braulers and quarrellers, after dew admonitioun continueing therein, incurre the same punishment.

That Ministers givin to vnlawfull and incompetent trades for filthie gaine, as halding of hostlaries, taking of ocker besyd good conscience and lawis, and bearing worldly offices in Noble and Gentlemens houses, merchandise, and such lyke, buying of victuall and keiping to dearth, and all vther worldlie occupatiouns as may distraet them from thair charge, and be slander to the Pastoural calling, be admonished and brought to the acknowledging of thair faults, and if they continue therein, to be deposit.

That Ministers not resident at thair flocks be deposet, according to the acts of the Generall Assemblie and laws of the realme ; vtherwayes the burdein to be laid vpon the Presbyteries, and they be censurit therfor.

That the Assemblie command all thair members, that none of them

awaite on the Court and the affaires therof, without the advyce and allowance of the Presbytrie.

Item, That they intend no actioun civill without the said advyce, except in small matters ; and for remeidng of the necessitie that some Ministers hes to entir in pley of law, that remedie be craveit, that short proces be devyfed to be vsed in Ministers actiouns.

That Ministers take speciall care in vseing godly exercises in thair families, and teaching of thair wyves, children, and servants, in vsing ordinarie prayers, and reiding of the Scriptures, in removeing of offensive persons out of thair families, and such lyke vther points of godly conversatioun and good example ; and that they, at the visitatioun of thair kirks, try the Ministers families in thir points forsaids ; and such as are negligent in thir points, after due admonitioun, salbe judgait vnmeit to governe the house of God, according to the rule of the Apostle.

That Ministers in all companies stryve to be spiritual and profitable, [and to] talk of things pertaining to godlines, as, namelie, of sick as may strenthen them in Chryft, instruct vs in our calling, of the meanes how to have Chrysts kingdom better established in our congregatiouns, and to know [how] the gospell flourishes in our flocks ; and such lyke vthers the hinderances and the remedies that we find ; quherin ther is manifold corruptiouns, both in the companying with ourselves and with vthers ; and that the contraveiners heirof be tryit and sharply rebuikit.

That no Minister be found to countenance, assist, or procure for ane publick offender challengit be his awin Minister for his publick offence, or to beare with him, as thogh his Minister were too severe vpon him, vnder the paine of admonitioun and rebooking.

Anent Generall Assemblies : To urge the keeping of the acts anent the keeping of the Assembly, that it may have the awin reverence.

Sessio 10^a. 29 [Martii.]

Instructiouns to Mrs James Prestoun, and Edward Bruce, Commendatour of Kinlofs, his Majesties Commissioners to the present Generall Assemblie.

Imprimis, Ze fall shew to the said Assemblie our good will to have all the kirks of Scotland plantit with Ministers, and sufficient livings appoitit

to them, to the great hurt of our awin rent, and that portioun of the thrids quhilk was alliguit to our hause, and our Comptrollours in possessioun thereof: Bot sieing that the haill thrids is not sufficient to plant the haill kirks, nor get comodious to Ministers to serve in ane place, and have thair livings to feik in another [very] farre distant from thair cure: Therfor we thought good to sett fordwart ane ordour for locall stipends, founded vpon this ground, that all the kirks of Scotland sould have Ministers, and all Ministers stipends within thair awin paroches, of sick valour, as be our authoritie on the ane part, and concurrence and procurement of the Kirk on the vther, might be obtainit from the takmen of teinds, present possessours of the said rent; for the quhilk effect we causit ane act of Parliament to be made in the zeir of God 1592, grantand commissioun to certaine Noblemen, Counsellers, Officers, [and] Ministers, on the vther parts, to intreat and prosecute this matter; and als hes givin command in particular, to certaine of our Lords of Checker to help, with thair advyce and labours, to bring this matter to some perfectioun, quherin, as we vnderstand, ther is something done, as ane part of the brethren can [bear] record. Lyke as we, continueand in our good mynd in our tyme to have the kirks settlit anent thair livings, and not intanglit geirly with processe, and our haill kirks plantit within this realme, be thir presents, offers and promitts to the said Assemblie, to cause our Commissioners, Counsellours, and Officers, to convene presentlie, befor the expyreing of this Assemblie, with the said Commissioners for the Kirk, to begin this good purpose, and to lay the ground, and sett downe the ordour, and tyme and place of conveying, to prosecute the samein to the finall end, conforme to the act of Parliament, so that the slay, (if any,) falbe on the part of the Kirk, as it has bein of befor, and not on our part.

Item, Ze sall shew to them that it is a slay to this good worke, that be some of thair preachings they wald make the peiple to vnderstand, that we and our Counsell slay the planting of kirks, and take away the present livings possesit be Ministers; albeit the contrair be of veritie, that We and our Counsell is most willing that the haill kirks be plantit, and the rents of the Ministers augmentit, so farre as lawfullie may be obtainit with consent of our Nobilitie, and vthers takmen of teinds, whose rights, but ordour of law, We cannot impare; and therfor this forme of preiching discourages our good Counsellours most willing to this work, and is ane heaveie slander

vpon the Minifters themfelves, quherin ge fall defyre ordour to be taine, that the lyke be not done in tyme comeing.

Item, Ge fall defyre thefe your inſtructions in our name, to be regiſtrat in the Books of the Affembly, as ane perpetuall teſtimonie of our good will; and als that anſuers be given, [in particular,] be ane generall voting of the haill Affembly, and no wayes to be referrit to ane privat conference; and the anſuers ſa vottit to every particular heid to be regiſtrat in lyke maner therwith, and the extract of all theſe articles and anſuers to be deliverit to gou, to report to vs again. Sic ſubſcribitur,

JAMES R.

Sefſio 11^a.

[Upon Tueſday the 30 of March, the Miniſters and other Commiſſioners convened in the Little Kirk at nine hours, the one kirk door being ſhutt, and the other ſett open for a certain ſpace, whereby it came to paſs, that few were preſent, except the Miniſtry, the whole number amounting to four hundred perſons, all Miniſters, or choiſe profeſſors. After the firſt prayer, Mr Davidſon cauſed the Reader to read the 15 and 34 chapters of Ezekiel: which being done, firſt, he purged himſelf of ambition for that place; yet ſeeing it pleaſed God, ſaid he, to move them to choiſe him the leaſt worthy, and unmeetſt in the number, to occupy the place of a teacher that day, they were not to look, that he came there to be cenſured of them, but to uſe the authority of a teacher as to diſciples in that reſpect; and yet did not take from them the liberty that God gave them to try the ſpirits, whither they were of God or not. He ſhewed, that the end of that convention was the confeſſion of their own ſins, who were Miniſters, and promiſe of amendment in time to come, and ſo to enter into a new league with God, that being ſanctified by repentance, they might be the meeter to provock others to the ſame; that they ſhould not think it needleſs nor ſtrange to enter in examination of themſelves guilty of the imminent judgment. They were to conferr, and compare themſelves, their learning, zeal, godlineſs, multitude, dayes, times, occaſions, and helps, or rather wants, with the Prophets of former times, namely the Prophets of theſe dayes, whereof theſe two chapters treated, and ſee what priviledge they have more than they had; and why among their multitude pro re nata

there might not be as many false prophets, and as few true and sincere, as were in these dayes. He amplified this head, and said by preterition he would not be rhetorical in discourse; and yet he was very moving in application to the present times, so that within an hour after they entered in the kirk, they looked with another countenance, than that wherewith they entered. He exhorted them to enter into their privy meditations, and to acknowledge their sins, with promise and purpose of amendment. So while they were humbling themselves for the space of a quarter of an hour, there was such sighs and sobs, with shedding of tears, among the most part of all estates that were present, every one provoking another by their example, and the teacher himself be his example, that the kirk resounded, so that the place might worthily be called Bochim; for the like of that day was never seen in Scotland since the Reformation, as every man confessed. There have been many dayes of humiliation for present or imminent dangers; but the like for sin and defection was there never since the Reformation.

After the prayer and publick confession, he treated upon Luke 12. 22, with rare assistance of Gods Spirit, to the wonderfull astonishment, and casting down, and to the raising up again of the brethren. The exercise continued till near one afternoon. When the brethren were to dissolve, they were stayed by the Moderatour, and desired to hold up their hands to testify their entering into a new league with God.

Sessio 12^a. Penultimo Martij.

Forfameikle as the brethren of the Ministrie conveyint in this Generall Assemblie, hes with solemne humiliatioun acknowledged thair sins this day, and negligence of thair conscience befor God, and hes entrit in a new covenant with him, protesting to walk more warlie in thair wayes, and to be more diligent in thair charges; and seeing ane great part of the Ministrie is not present at this action: Therfor the Kirk commands the brethren of the Synodall Assemblies to make the lyke solemne humiliatioun and protestatioun as was observit by the Generall, at thair nixt conveying; and so many as beis not at thair Synodall, to doe it at the Presbitries.

Articles proponit be the Commissioners of the constant Platt to be advyfit and pass in Acts be the Generall Assemblie.

First, It is thocht requisite be the saids Commissioners, and craveit, that the said Assemblie wald ordaine, that the Moderatours of ilk Presbitrie within this countrey, shuld give presentations, jure devoluto, of all benefices of cure, belanging to laick patrones within their bounds, that hes not presentit qualified persons within sex monethis of the deceis of the last possessor therof; and sicklyke, of benefices that fall vaik heirafter, in case the saids patrones neglect to present within fixe monethis, to Ministers serving, or that fall serve the cure of the saids kirks, vnder the paine of deprivation; and that the saids Ministers accept thair presentations, and persew [them:] And if ther be not actuall Ministers presentlie at the saids kirks, in that case, that the said Moderatours deale effectually with vthers qualified persons, to accept the saids presentationns, and to prosecute the same in law.

That all beneficit persons, that are heir present in this Assemblie, be movit presentlie to interdyte themselves from all setting and disposing any part of thair benefice to quhatsoever person or persons, without the speciall consent and allowance of the Generall Assemblie; and the interdiction to be subscryvit be sick as are present; and vthers that are absent, to be vrged be thair Presbitries to doe the same, immediatlie after the dissolving of the Assemblie.

Because the kirks in diverse places of the countrey sustaines great hurt through the lack of qualified persons in the Ministrie, instructit and trainit vp in the Schooles of Theologie: Therfor it is craveit, that ane act be made in this Assemblie, ordaining every Provinciall Assemblie to furnish a sufficient intertainment for a burser in the New Colledge of Sanct Androes, this 96 geir, and so furth, geirlie, in all tyme coming; and that every Provinciall Assemblie shal have the priveledge to present the said burser so oft as the benefice or place shal vaik: And in case ther be any of the Ministers sonnes within the Province, of merit graces for the said place, that he be preferrit to all vthers to the Ministrie; and after the expyring of his course in the studie of Theologie, that he be bound to imploy his travels within the Province, to the quhilk his graces may be anfuerable; and that it be not leifsum to the said burser to imploy his travells in any vther place, except be the speciall advyce and consent of the said Province.

Seeing the necellitie of the commoun affaires of the Kirk craves, that ther be a continuall travelling and attendance at Court, both for the furtherance of the present worke, quhilk is in hands, of the planting of the kirks; as also of the continuall diligence of the enemie, waiting at all occasiouns, speciallie when they find any slacknes vpon the part of the Kirk, in the discoverie and relifting of the interpryses of the said enemie: Therfor it is craveit, that a care and burdein of the commoun cause be laid vpon some brethren be the Generall Assemblie, either of them that are residents heir about Court, or els of some vthers to be appointit in diverse parts of the countrey, because vtherwayes ther is none that finds themselves in conscience bound to have any care heirof, or to take any paines heirin.

To the first two articles the Assemblie aggreit.

To the thrid, The Assemblie ordainit it to be movit in the Provinces first.

To the fourt, Appoints Mrs Robert Bruce, David Lindefay, James Balfour, and James Nicolfone with them, quhen he is present.

Sessio 13^a Ultimo die Martij.

Anent the articles concerning thair Majesties persons and houfes: The Assemblie hes nominat Mrs Patrick Galloway, James Nicolfon, and James Melvill, to conferre with thair Majesties theranent.

Offences in his Majesties Houfe.

First, As strangers and vther good subiects repairing to the Court, hes bein confortit to sie Christian religioun religioulle exerciseit; so now they are somequhat troublit, seeing now the exercise of the reiding of the Word at table, and reverent saying of the grace befor and after meat, diverse tymes omittit.

That on the weik day the repairing to the heiring of the Word is mair rare then befor; and that he wald be admonischit for hearing of speaches, in tyme of fermoun, of them that desyre to commoun with his Majestie.

Privie meditatioun with God in spirit and conscience, earnestly to be recommendit to him.

His Majestie is blottit for banning and swearing, quhilk is over common in courteurs also, and movit be thair example.

His Majestie wald labour to have sick companie about him as himselfe, according to his awin quhilk is gravelie to be recommendit to his Majestie to be put in practife. Robert Laud, and such as are suspectit, to be removit ; especiallie murtherers, [Papists,] and profane persons.

The Queens Majesties ministrie to be reformat ; and tuiching her companie, her not repairing to the word and sacraments, night walking, balling, &c. ; and such lyke concerning her gentlewomen.

In respect of the report of the brethren of the North, that gentlemen and burgeses are lyke to leave thair houses for feare of the enemies, seeing thair great insolence vnrepresed at home ; the returning of thair wyves to the countrey againe, and thair provilions in thair houses and castells for thair home comeing, quhilk is murmurit against in all the countrie : For remeid, it is to be craveit that the Ladies of Huntlie and Erroll presentlie be broght back againe and placeit in Sanct Androes ; my Lord Gordoun sicklyke to be broght to the South, and put to the schooles ; thair freinds in the South to be wardit ; and Cluny, Geicht, Abergeldie, Cowbairdie, Bonytoun younger, Craig younger, Alexander Hay of Auchmather, Mr Alexander Leslie of Peill, James Knowis, Johnne Gordoun of Newtoun, [Towie Barclay, Patrick Conn,] to be apprehendit. And for this [effect] it was thocht good that some Commissioner, the Provest of Edinburgh, with the Laird of Wedderburne, be directit to the North, with the Kirks Commissioners already appointit.

The common corruptions of all Estates within this realme.

Ane vniverfall caldnes and decay of zeale in all Estates, joynit with ignorance and contempt of the Word, Ministrie and Sacraments ; and quher knowledge is, no sense nor feeling, quhilk vtters itselfe most manifestlie be this, that they want religious exercises in thair families, as of prayer and of reiding of the Word ; and quher the famein, for the most part abused and profanit be cuiks, stewarts, jackmen, and sicklyke ; and the masters of families alhamit to vse thir exercises of godlines in thair awin

perſons ; and no conference at their tables, but of profane, wanton and worldie matters.

Superſtitious and idolatrie maintaint, quibilk vtters itſelfe in keeping of feſtuall dayis, and boonefyes, pilgrimages, ſinging of carrells at Yoole.

Great blaſphemie of the name of God in all Eſtates, with horrible bann- ing and ſwearing in all their ſpeeches.

Profanation of the Sabboth, and ſpeciallie in ſeid tyme and harveſt, and common journeying on the Sabboth, and tryſting on wardlie turnes, exerciſeing of all kynd of wanton gamis, keeping of mercatts, dancing, drinking, and ſuch like.

Little care, reverence, and obedience of inferiours to their ſuperiours ; as ſicklyk of ſuperiours in diſcharging their duties to their inferiours ; as quher children pleyis in law aganis parents, and many of them maries aganis their fathers [will and] conſent ; and no care of their parents for their education in virtue and godlines.

Ane flood of bloodſheds and deadlie feids ryſeing therevpon, and vniverſall aſſiſting of bloodſheds for eluding of lawis.

Adulteries, fornications, inceſts, vnlawfull mariages, and divorcements allowit be publick lawis and Judges ; and children begottin in ſuch marriages declairit to be lawfull ; [exceſſive] drinking, waghting, and gluttony ; quibilk is no doubt the cauſe of this [great dearth and] famine ; [and] gorgeons and vaine apparrell, filthie and baudrie ſpeeches.

Sacriledge in all eſtates without any conſcience, growing continually mair and mair, to the vtter vndoing of the Kirk, and ſtaying of the planting of the goſpell.

Cruell oppreſſioun of the poore tennents, quherby the hail commons in the countrey are vtterly wrackit, be extreame dear ſetting of their rowmes, and halding out of their cornes by vntymeous teinding, and extreame thraldome in ſervices.

Oppreſſioun vnder pretext of law, be vltirie, and be contracts againſt law ; foreſtalling of mercats, and regrateing be gentlemen, burgeſſes, and commons ; quherby pryces of victualls is mervailouſlie raiſed to the great hurt of the poore ; and ſicklyke be girnelling of victualls, and withholding them from the mercatts, and not threrhing of them out in due tyme.

Ane great number of idle perſons without lawfull calling, as pypers, fidlers, ſangſters, forners, pleaſants, ſtrang beggers, living in harlotrie, and having their children vnbaptizit, without all kynd of repairing to the word.

Offences in the Court and Judgement Seat.

Vniuersall neglect of iustice both in ciuill and criminall causes, as, name-lie, in granting of remissions and respitts for blood, adulteries and incests ; no executioun of good lawis made against vyces, or in favour of the Kirk ; and in ciuill matters, the Judges, for the most part, vnmeitt, either in respect of the want of knowledge, or conscience, or baith ; and quhen any office vaiques, the worst men advancit therto, both in high and inferiour rowmes.

No executioun made against the adherents of the detected enemies, and the enemies themselves, nor imploying of thair livings to the [vse of] resisting of the enemies, quherby the enemies are rather benefitit nor hurtit.

The odious murder of Dunnibirle not punischit.

In Parliaments, sacrilegious persons, as Abbots, Pryours, dumb Bischops, voting in name of the Kirk, contrair to the lawis of the countrey, quherby the cause of the Kirk is damnified.

The Sessioun is chargeit with buying of pleyis, delaying of iustice, and bryberie, quihilk is evident by extraordinar and suddan conquests.

Greives to be humblie meanit to his Majestie, in name of the Generall Assemblie, be thair Commissioners, touching the principall offences in the estate of the countrey, that, be his Majesties counsell and authoritie, sufficient remedie in tyme may be provydit thervnto.

First, It is humblie meanit to his Majestie, that, to the great hazard of religioun, and peace of the countrey, and greife of all good men, the forsaltit rebels, and enemies of his Majesties estaite, inioyes thair lands and livings als peaceable, and to thair greater advantage, then if they were at his Majesties peace within the countrey ; and thair confederats and freinds, partakers and assisters with them in thair treasonable attempts, are sufferit in so great a libertie, nevir having once so mikle as entrit thair persons in ward, or givin pledges and suretie for thair good and duetiefull behaviour and obedience to his Majestie, in cace it fall happin the said rebels, or any forraine enemies, to repaire within the countrey for disquyeting of the estate therof ; as if they [had] immunitie and exemptioun from all lawis, to confirme themselves for strenthening the hand of the enemies,

quhen they happen to arrive ; as it appeirs thair intentioun is, by [thair] preparatioun of force and armour, and leagues of friendship quhilk they are daylie binding vp.

Diverse Jesuites and excommunicat Papists are intertainit within the countrey, deteining such as they have pervertit in thair errours, and inducing vthers in the famein corruptioun ; and halding them in hope of [the] returning of the Papists Lords, with assistance of strangers ; as, namelie, Mr Robert Abercrombie, Mr Alexander Mcquhirrie, Abbot of Newabbay, Johne Gordoun of Newtoun, the zong Laird of Bonytoun, Mr Alexander Leslie of Peil, Patrick Cou, Alexander Ramsay, and diverse vthers.

That in many places of the countrey, for lake of provisioun of sufficient stipends for provisioun of Pastours, the peiple lyis altogether ignorant of thair salvatioun, and duetie to God and the King, quherthrow the land is overflowit with atheisme and all kynd of vyce ; ther being above foure hundreth paroch kirks destitute of the ministrie of the word, by and attour the kirks of Argyle and the Yles.

It is regratit vniverfallie be his Majesties lieges, that throw the delaying, perverting, and eluding of justice, murthers, oppressions, incest, adulteries, and all [kynd of] haynous crymes abounds.

It is to be heavilie meant, that the brethren of the Ministrie, that hes gottin any meane provisioun or help be the assignatioun [made] lxxxxv zeirs, are delayit and refusit of justice, be the Lords of Sessioun refusand to decide thair suspensiouns according to the act of Februar 1587.

Articles to be proponit to his Majestie for remeid of the former greives.

For remeid of the former greives, it is humblie to be craveit of his Majestie, that the lands of the forefaultit rebels be disponit to sick as are knowin to be most meitt, and of best affectioun, to resist the enemies of religioun, and of his Majesties Estate, both forraine and intestine : And in the meane tyme that thair livings be takin vp, and intromettit with be his Majesties officers, and imployit vpon the intertainment of wagit men, and vther necessar vses, for the manteinance and advancement of the good cause ; and that the Ladies of Huntlie and Erroll be chargeit to come fouth, and make thair residence in Sanct Androes, that they be no more a receipt

and incouragement to the enemies, as they are presentlie, be thair subtille forme of practife, quhilk they have vlit this geir by past, to the confirming of thair freinds and confederats, and intyng of vthers quhom they might seduce to thair purpose, and open violence to such as refuses to yeild to thair course; and that the Ladie Huntlies eldest sonne be brocht fouth, to be traint vp in the knowledge of good letters and religioun; and that the Lairds of Clunie, Gicht, Abergeldie, Cowbairdie, Craig zonger, Alexander Hay of Auchmatie, Buckie, James Knowis, Towie Barklay, Patrick Con, and the rest of thair principall freinds and confederats, that hes kythit with them in actioun, in thair treasonable interpryses against his Majestie, be chargeit to come fouth, and entir thair persons in some sufficient ward, ther to remaine ay and quhill they find sufficient cationn vnder the paine of great fowmes, that they fall neither traffique, intercommoun, supplie, nor intertaine intelligence, or give any kynd of assistance to any of his Majesties rebels, or [any vther] enemies of religioun [quhatsumevir,] and give sufficient pldgis of thair sonnes and neirest freinds to that effect.

That his Majestie give commillioun to some of his speciall servants, and vthers that are knawin to be of [abilitie and] good affectioun, to seik, searsh, apprehend, and present before his Majestie, Mr Robert Abercrombie, Mr Alexander Mcquherrie, the Abbot of New Abbay, Alexander Ramsay, the zong Laird of Bonytoun, Alexander Leslie of Peile, Johne Gordoun of Newtoun, and vthers, Jesuites, and excommunicat Papists, as thair names falbe givin in a roll.

That his Majestie wald prosecute his good purpose and intentionn declairit befor the Assemblie, anent the planting of the haill kirks within the countrey, with qualified Pastours, and sufficient provisioun of stipend for thair intertainment; and for that effect, that he wald give commillioun to the visitours nominat be the Generall Assemblie, to take inquisition of the estate of all the kirks within the bounds of thair visitatioun, and to deal with the tacksifmen and possessours of the teyndis, in his Majesties name, for sufficient provisioun to the Ministers, out of the rent of every paroch, and to report the samein to his Majesties Commissioners appointit for the wark of the Platt, in the act of Parliament, and provyde some honest moyen for the intertainment of thair charges in the journey.

That his Majestie take ordour substantially be advyce of his Counsell and Estate, how the principall Judgement seats and vther inferiour Judgements may be purgeit of vnqualified and corrupt persons, and filled with vthers

meit to discharge that calling faithfullie, for the comfort of his Majesties peaceable and well disposed subiects.

That his Majestie wald command [and ordain] the Lords of Sessioun to minister justice to the brethren of the Ministrie, that hes gottin any augmentation of thair meane stipends or new provisioun by the Commillioners appointit be his Majesties Commissioun the 1595 [zeirs,] and that according to the act of Februar 1587, as they are bound by thair solemne aith and promise ; seeing the extraordinarie dearth vrges them with so great necessite, that vnlesse his Majestie have some consideratioun of thair estate, they and thair families will be driven to extreame povertie and want.

[The new and constant Platt of planting all the Kirks of Scotland, penned to be presented to the King and Estates, anno 1596.

Our Soverane Lord, with consent of the three Estates in Parliament, understanding that be the law of God it is expressly commanded, as also for intertainment of religion and Gods service, it is more nor necessar, that the Ministers of his holy word have sufficient rents for their honest sustentatioun ; considering also that the rents and patrimony, which of old pertained to the Kirk, is greatly damnified and exhausted be annexation of the whole temporalitie thereof to his Hienes Crown, and be erection of a great part of the said temporal lands of the Kirk, with diverse kirks, and tithes included therewith, in new temporal Lordships ; and be the new fashoun of setting of long tacks of the said tithes for divers nineteen years and life rents successivé, for payment of small silver duety, no wayes equivalent to the half of the reasonable valour of the said tithes ; and be the pretended rights of many penlions, life rents, assignations, and other dispositions of the saids tithes, and duetie of tacks ; and be his Majesties right of the thirds, superplus, commoun kirks, first fruiçts, and fyft pennie of every benefice, rights and disposition of the same, proceeding from his Hienes after his perfect age, and from his Graces predecessors, for the most part ratified in Parliament, whereby there is no moyen left presently to augment the small stipend of a poor Minister, albeit he had never so great ne-

cessity, nor yet to plant anie new Minister at anie congregation, albeit the most part of the parish kirks of Scotland are altogether destituted of all exercise of religion ; and that there is a great number of Ministers not provided, but wanting upon some special charge and vocation ; lyke as a great number of good schollers of the youth of this realme, for the like poverty, is compelled to pass to France, to the great danger of apostacy from religion, whereas otherways they might be profitable to the Kirk, and might be honestly intertained upon the said tithes ; which tithes, not only before the written law of God, and thereafter be express commandement of the same, but also be the consent of ail nations, and specially of this realme, have ever pertained to the Kirk, whereby of all reason the Kirk having no other patrimony, ought to be maintained in the right and possession of the said tithes, at least ay and while they be sufficiently provided otherways ; conform to the which divers acts have been made in Parliament, That before the new provision of anie Prelat, the Ministers at the kirks and parishes united to the said Prelacie, should be first provided to sufficient stipends, otherwayes the provision of the Prelacy to be null : And likewise in the tenth act of Parliament holden 1567, it is ordained, that the whole thirds be first employed to the use of the Ministers, ay and whill the Kirk come in possession of their own patrimony, which is the tithes : and also in the said act of annexation, and divers other laudable acts, it is expressly provided, that the Ministers should be sufficiently provided of livings furth of the best and readiest of the spiritualities ; and that they should be provided in title to all small benefices, that they should be provided to manse and glebes for their residence at their kirks ; and that laick patrons should provide qualified persons : which acts have not tane fully effect, but on the contrair the livings of the said Ministers left uncertainly to be sought from year to year, at his Hienes Exchequer, out of the thirds with infinit process in law, be reason of the manifold disposition of the thirds to other laick persons, proceeding from his Hienes as having right to the whole thirds, commoun kirks, superplus, fyft pennie, and temporalitie of ilk benefice, and be reason of the collation of benefices pleno jure to persons no wayes qualified, contrair to the good meaning and intention of the foresaid acts of Parliament, to the utter wrack and destruction of the Kirk be plain povertie, as the professed enemies of Christ would have done of old, if speedie remedy be not found : Therefore his Hienes remembring that there is nothing more proper to his royal office, nor to

be nurisher of the true Kirk, and to be carefull of the advancement of the true religion, and continuing thereof to the posterity, with consent of the Estates in Parliament, be the tenor of this act declares, that the whole tithes of this realme, both Personages and Vicarages, as well united to Prelacies and other dignities, as not united, and other tithes whatsoever, have pertained in all times bygone, and shall pertain in all times, to the Kirk as their proper patrimony : and of new, with consent foresaid, giveth, granteth, and disponeth, and perpetually mortifieth the said tithes of all Personages, and Vicarages, and other benefices whatsoever, within the realme, to the Kirk to remain therewith, as their own proper patrimony, conform to the tenor of this present act, in all time coming : And, with advice foresaid, statuteth and ordaineth, that the Lords of Exchequer, with such of the Ministry as shall be appointed hereunto, being of equal number with the said Lords, shall modifie and alligne out of certain touns of every parish, a certain quantity of victual of the teind shaves thereof, and other duties of the Vicarage, as the nature of the ground may pay, with the manse, and whole glebe land, if the same remain yet unfewed ; and if the said glebe be sewed, four aiker of the said glebe, whither the same be of the Parsons, Vicars, Bishops, Priors, or Prioresse, Deans, and Subdeans, Abbeys, or any other Kirk Land, for the glebe, as a local stipend to every parish kirk of this realme, without exception, for sustentation of the Minister thereat sufficiently and honestly in all respects, of the fruits of the parish itself, notwithstanding the said kirks be annexed to Prelacies, or other benefices, or not doted to Colledges, or Universities, or otherways pertaining to old possessors of whatsoever degree, or to Ministers newly provided in title therto at the Kings presentation, or laick patrons, divided amongst many Prebendaries, Deanries, or Chaplanries, or not divided common kirks, or other whatsoever qualitie, or condition the said parish kirk has been of, or be whatsoever manner of way the tithes thereof have been bruiked in times by past, and notwithstanding all and whatsoever right his Majestie may have, or pretend to the thirds, superplus, first fruits, and fifth penny, of the said benefices ; and notwithstanding of all pensions, tacks, assignations, life rents, erection of the said tithes, or any part thereof in a temporal Lordship, provision to Prelacies, or other benefices, unions, or divisions of the said parishes, and other dispositions of the said tithes, or any part thereof whatsoever, proceeding from his Majestie, or his predecessors, after his or their perfect age, confirmed in Parliament

with whatfomever folemnnity or otherwayes, to whatfomever Caſtles, Colledges, Univerſities, or particular perſons of whatfomever degree : And notwithstanding of whatfomever other tacks, penſions, life rents, ſewing of the ſaid tythes, with lands, and ſewing of the ſaid gleebes, and other diſpoſitions whatfomever, made be Prelats, or beneficed perſons, with conſent of their Chapters, to whatfomever particular perſon, Colledge, or Univerſity, for whatfomever ſpace of years, or yearly duty : And notwithstanding of the priveledge of the Lords of Seſſion, and acts of Parliament, and other laws bygane, unions, annexations, and incorporations of ſeveral pariſh kirks to a Prelacy or other benefice, or diviſion of the fruits of a pariſh among many Prebendaries, or Chaplanries, or others ; and notwithstanding all other impediments which any way may ſtay the full execution of this preſent act : Declaring all and whatfomever the ſaid proviſion of benefices, unions, incorporations, diviſions, tacks, penſions, life rents, erections, and ſewing of tithes, manſes, gleebes, priveledges, acts, lawes, and former conſtitutions, and other diſpoſitions whatfomever of the ſaid tithes, manſes and gleebes, proceeding from his Maſteſtie, or his Maſteſties predeceſſors, or whatfomever other beneficed perſon, with whatfomever folemnnity, to be null in time coming, in ſo far as they may make any prejudice to this preſent act, and to the particular local aſſignation of ſtipends to be aſſigned to every pariſh kirk, conform thereto, and to the full execution thereof, but any other reduction or declarature of law : With power to the ſaids Lords and Miniſters to take true tryal of the valour of the ſaid tithes ; and to appoint, ordain, and aſſigne the ſaids perpetual local ſtipend at every pariſh, out of ſuch ſpecial touns and lands of the ſaid pariſhes ; and to unite ſeveral pariſhes in one, to diſſever one in moe, with conſent of the parochinners ; and to make a ſpecial book thereupon ; and generally to doe all things neceſſary for this effect : Which local aſſignations of ſtipends and tithes whatfomever of the particular towns and lands to be ſpecified therein, ſhall pertain as freely to the Miniſter of the ſaid pariſh, as if he had been provided of old in title thereto : with power to the ſaid Miniſter to collect, gather, and intromett with, and to make warnings and inhibitions againſt the poſſeſſors of the ſaid tithes, manſes and gleebes, with as great effect as any Parſon, or Vicar, or any other beneficed perſon might have done in any time bypaſt, notwithstanding all impediments foreſaids, and other whatfomever, but prejudice of the ſaids Miniſters rights to the whole remanent of the ſaid benefices, when the ſame ſhall vaikie, and fall in their hands, be de-

ceafe of the prefent poffeffors, reducing or expyring of tacks, or other ways whatfomever, and of the free difpofition thereupon, as accords of the law, and conforme to this prefent aët in all points. And for the better execution of the premiffes, our Soverane Lord, with advyce foresaids, diffolves expreffly all and whatfomever unions of feveral parifh kirks to Prelacies, benefices of dignity and others, and fuppreffeth and abrogateth the name and ftiles of the faid Prelacies and dignities, and unites of new the tithes of every parifh, where the fame were divided of old amongft many Prebendars, Chaplans, and others, in a whole benefice; and ordaines that Minifters be provided in title to every parifh kirk in particular, which was before united to Prelacies now vacant, or which have vaiked in his Graces hand, fince the Parliament holdin at Edinburgh in anno 1584, or which fall in any wife hereafter vaick be demiffion, deprivation, or other ways whatfomever; and to all other feveral parifhes vacant, both to the Perfonage and Vicarage thereof, with the manfe, and gleeb of four aikers of land, conform to the former aëts made anent the faid gleebes and manfes; at the which kirks the faid Minifters fhall be obliged to make their refidence, and fhall have intromiffion with the fruits thereof, conform to this prefent aët, and book of perpetual modification of the local fipends to follow hereupon: and after their deceafe, demiffion, or deprivation, the other qualified perfons to be prefented thereto be his Hienes and his Graces fucceffors, and be others having the right of prefentation and patronage thereof; and that no new Prebendars fhall be provided after the deceafs of the prefent poffeffors, but the rent to accrefce to the living of the Minifter, conforme to this aët, &c.

And becaus it is moft neceffar that the faids local fipends be of a certain quantity, according to the nature of the ground, and out of certain fpecial lands moft eweft to the kirk, and commodious to the Minifter, that the Minifter may know of whom to crave his duetie: And feing it is impoffible to the Lords of Exchequer to know what lands to appoint for payment hereof, be reafon they know not, neither the names of the lands, nor valour of the teind fhaves of every particular toun and land within this realme: Therefore his Hienes, with advyce forfaids, ordaines, that every Prefbytrie within this realme, with advice of three Barons, or landed Gentlemen, who have their refidence within the faid Prefbytrie, of good religion, and leift participant of Kirk rents, chofin be advice of the General Affembly, and failling the concurrence of the faids Barrons, that

the said Presbyters be themselves shall have power to estimate reasonably the valour of tithes, both Personage and Vicarage, of every particular town, and lands laying within each one of the said towns, and parishes of their Presbyteries, and of the commodiousness thereof to the sustentation of their Minister: which estimation shall be published upon two several Sundayes, in time of divine service, in the said parish kirks; with provision, that whatsoever party interested in any wise be the said estimation, and please to complain thereupon, shall have most summar remeed before the said Lords of Exchequer, after summar cognition of the caus betwixt the said Presbytrie, and particular Minister of the parish kirk, and general Procurator of the Kirk, or others having interest on the one part, and the said partie compleaner on the other part.

Attour because the dilapidation of the rents of the Kirk has proceeded for the most part from the Kirkmen themselves, who had ower great liberty to sett such long tacks, and sewes, and for such duties as they pleased; the solemnity of ordinar Chapters serving not to restrain the said dilapidation, for which they were first instituted, but rather to authorize the same; which Chapters for the most part be now worn out: Therefore, our Soverane Lord, with advice foresaid, statutes and ordaines, that no Minister or beneficed person shall have power to sett in tack, or to make any kind of disposition, alteration, or change in any wayes, the estate of the local stipends of the parishes, with whatsoever consent or solemnity; neither to sett new tacks, or to renew old tacks of whatsoever other tithes of his parish, or any part thereof, or make whatsoever disposition of the same in tyme coming, without consent of the whole or the most part of the Presbytrie, wherein the parish lyeth, [assembled] at the ordinary day of convening, after reasoning two former ordinar dayes, anent the equity of setting, renewing, or making of the said tacks and dispositions: And declares, that the converting of victuals or other duties [in filuer,] shall be expresse diminution of the rentall, and a cause of nullity and reduction: And for eschewing of antedeating of tacks and rights of tithes [whatsoever], and of the infinit time for which the same was sett in tyme bypast, his Hienes, with advice foresaid, ordains, that all and whatsoever tacks of whatsoever tithes sett in any time preceding the date hereof, for whatsoever longer time of many nynteen years tacks, or lyfe rents successivé, shall endure only for the space of nineteen years after the date of the said tack; with provision, that whatsoever nynteen year

tack, or life rent of tithes, which has not begun in the fetters tyme, shall be null and of none avall, albeit another nineteen year tack or life rent contained in the same tack, has begunne or run out in the said fetters time : and that all former tacks of tythes preceeding the date hereof, life rents, assignations, penfions, erections, fewes, and other dispositions of tithes, shall be produced before the Lords of Exchequer before the day of next to come, and registred in the books of the Collectorie : at the left so much of the said erections and fewes to be registred, as containeth the rights of tithes contained therein ; and the date of the registration thereof, and the person ingiver of the saids tacks and other rights, to be registred therewith in like manner, and marked and subscribed be the Collectors Clerk, vpon the bak of the said tacks and rights, for eshewing of all frauds which may be herein ; with certification, that the tacks, and other rights of whatfomever tithes, not registred, as said is, shall be null, and make no faith in judgment nor without : and that the imprinting or publication of this act, shall be sufficient intimation hereof, and of the certification foresaid, without any other special letters, &c.

Moreover, becaus the Ministers and other beneficed or laick persons, having the rights of tithes of other mens heritage, oft times unjustly trouble both themselves and the lawfull possessors of the saids tithes, with inhibitions, and actions of spoilzie, whereby they compell them to hight their tithes above the reasonable valour : Therefore our Soverane Lord, with advice foresaid, declares and ordaines, that whatfomever person is lawfully in the natural possession of tithes be leading and intrometting therewith, the heritage or present right of possession of the land being his own, and makes good and thankfull payment, within dayes after ilk terme, of the duetie of the said tithes, conforme to the estimation above written, to be made be the Presbytries forsaids to the Ministers and others having right to the said tithes ; in that case, the said person shall be free of all action of spoilzie and danger which may follow upon inhibition led against him thereanent : provyding alwayes, that whatfomever person committ any violence in ejecting another furth of the natural possession of leading of tithes, shall be subject either to the action of spulzie, or the quadruple of the estimation foresaid, at the option of the partie ejected, as said is. Like as also it is provyded, that quher the right both of the property, and present right of the actual possession of the land, and als of the tithes, concurre in one mans person, it shall be leasome to him to use inhibitions, and, conforme to the old order, apprehend posses-

fion of his own tithes, paying always the duetie and valuation thereof to the Minister, or others having right ; in which case, the offer of the estimation foresaid shall be no relevant defence to rescind the natural possession of the tithes of another persons heritage ; and to eschew the danger of spulzie in prejudice of him who has the right both of the lands and tithes, as said is, and in favour of him, who has not present right to the actual possession of another mans land, nor yet of the tithes thereof. &c.

Attour, be reason that the said patrimony of the Kirk should also sustain and uphold schools and poor, with common affairs of the Kirk, and other godly uses : Therefore our Sovereign Lord, with advice foresaid, statutes and ordains, that a perfect rentall be made of the superplus of the rents of every parish kirk, by and attour the foresaid local stipends, containing the rights, be the which the superplus of every benefice is possessed ; and that the Minister, albeit he be provided in title to the whole benefice, and have the collection of the whole fruits thereof, and liberty to reduce tacks and fewes, as any other beneficed person might have done of before ; yet the said Ministers shall not have the free disposition of the said superplus to their own use, but shall be comptable therefor to them who shall obtain the right thereof : and in case of their failzie in thankfull payment, or committ violence, they shall be subject to the danger of spulzies double or quadruple of the estimation foresaid, sic like as others that make not payment thankfully to the said Ministers themselves, conforme to the former article.

And as for the superplus of the rent of every particular parish kirk, by and attour the local and perpetual stipend appointed for the Minister, which superplus either presently pertaineth to the Kirk be vaiking of the benefice or vtherways, or shall hereafter pertain, or fall in the Kirks hands, be expyring or reduction of tacks and other rights, decease of the present possessors, or otherways whatsoever, our Sovereane Lord, with advice foresaid, ordaines and statutes, that the said superplus shall be disposed be the advice of the Lords of Exchequer, and brethren of the Ministry appointed for modification of Ministers stipends ; first, to the Colledges, and Lords of Session, and old possessors of the benefices, induring their life times, for so much as shall be tane from them be the present order ; next, that the common affaires of the Kirk be sufficiently sustained thereupon ; thirdly, that reasonable consideration be had of the poor, strangers, widowes, and orphans ; reparation of bridges, kirks, hos-

pitals, and other godly works : And if there be any rest, the same shall be collected, and keepest to the use of the Kirk, and at their disposition allenerly. And whatsomever particular person, Colledge, or other shall obtain assignation of any part of the superplus be the saids Lords and modifiers, their said assignation and letters thereupon shall be specially in quantity, and out of what touns and lands the same is assigned ; and the said letters shall be specially directed against the tennents and actual possessors of the said particular lands, and the Minister of the parish allanerly, so that no letters in time coming be directed generally against all and sundrie the parochiners, &c. ; and of the best and readiest of the fruiets where the right whereupon the letters pass extends only to a part of the fruits, and not to the whole fruiets of the paroich, as was of before, which was the occasion of great confusion.

And becaus the Prelacies in effect were before dissolved, the whole temporalities thereof being annexed to the Crown, and Ministers stipends ordained to be tane out of the parish kirks united and incorporated therewith ; lyke as be this order the whole spiritualitie and tithes are of new destinated, given and mortified to the Kirk, whereby the saids Prelacies are all utterly dissolved, and so ceas in time coming to be one of our Estates in Parliament : Therefore our Soverane Lord, with advyce foresaid, statutes and ordains, that in time coming every Presbytrie shall send, of their own number, a Commissioner to the Parliament, out of the which whole number of Commissioners the rest of the Estates shall choise so many as, being joyned with the old possessors of the Prelacies, who shall be present for the time, may make out the full and compleat number of them who have vote in Parliament for the estate of the Kirk, which number shall be equal with the number of any of the other Estates. And after the decease of the whole present possessors of Prelacies, the whole number of the Kirks Estate shall be elected, and tane of the said Commissioners of the Presbyteries, who shall have such vote, priveledges and liberties in Parliament, as the said Prelats had of before, &c.

And to the effect that the rights of no parties be further prejudged, our Soverane Lord, with advice foresaid, ratifieth all acts and statutes made of before in favour of the Kirk, in so far as the same agrees, or may in any wise fortify this present act ; and specially the act of Secret Counsell, Session, and Exchequer, upon the 14 of Februar 1587 : And in like manner, all acts and statutes made in favour of fewes, tacks, patronages, penlions,

erections and other dispositions of the kirk rents, in so far as they are not contrair or any ways repugnant to this present act, or full execution thereof: Which acts, together with all and whatsomever rights pertaining to privat persons and parties, such as fewes, provision of their benefices, erections, tacks, lyfe rents, penlions, patronages, assignations, and dispositions whatsomever of the tithes, shall stand in the same force as of before the making of these presents, excepting plainly in so far as they are expressly prejudged be the said local stipend to be appointed to every particular parish, conform to the tenor of this present Act, and Book of particular modification to follow thereupon, and other provisions and restrictions expressly contained herein. Lyke as our Soverane Lord, with advice foresaid, abrogateth all former lawes, acts, constitutions, practicks, and ordinances whatsomever, which may in any wise hinder, stop, or impede this present act and full force and execution thereof: and declares whatsomever shall be done in the contrair thereof, or any part of it, the faillye and contravention shall be tryed; and the right disposition or other deed whatsomever, done contrair to the tenor hereof, shall be reduced and annulled, als well by way of exception, reply, or duply, as by way of action. Lyke as our Soveraign Lord, with advice foresaid, commands, that no Judge remitt to an action, or delay the proponer of the said nullities by way of exception, reply, or duply, but proceed instantly to the tryall of the said nullities, as said is.

Attour, becaus there are divers and fundry persons who presently bruike the rents of every parish kirk, our Soverane Lord, with advice foresaid, ordaines, that the quantity of the local and perpetual stipends should be equally tane from every one of the saids persons proportionally, at the lest every one to relieve others proportionally, according to the free profit which they receive of the saids tithes, at the discretion and summar cognition of the said Modifiers, who shall be only Judges herein, and shall try, judge, and cognosce summarly upon the equity of the relief betwixt the possessors of the saids tithes, such as where there is a Prelat, or old provided man, ane, or moe tacksmen or pensioners, new erected Lordships, with tithes included, with the fewes of lands, fewes of fermes, and whatsomever other variety there is of rights, be the which the possessor of the tythes of every parish respectivé bruike the same: and what relief the rest ought to make them, from whom immediatly the rights of the tithes are tane, which shall be assigned for the perpetual local

stipend of every parish kirk ; wherein also shall be considered the right which our Soverane Lord had to the thirds or any other parts of the benefices, together with such other actions, for the which his Majestie might have charged the possessors of the said tithes. Like as also the saids Lords of Exchequer, in making of the said relief, shall consider immunities, privileges, and rights, which parties had of before, and validitie thereof, with all other circumstances *ex æquo et bono*. And for this effect, our Soveran Lord, with advice foresaid, giveth power to the said Lords of Exchequer, and Ministers specially to be appointed, be his Hienes Commission, being always equal in number with the saids Lords, to interpret all obscurities, and to decide summarly all controversies, which shall arise upon this present act, and upon the foresaid relief, betwixt all parties subject thereto. C. & Melvills Diary.]

A. D. M.D.XCVI.

The Generall Assemblie haldin at Perth, the first day of Marche 1596, [the last of Februar: C.] Quher ther conveyit the Commissioners from all Presbyteries, according to his Majesties missive.

Sessio 1^a.

Exhortatioun ther was none.

Anent the supplicatioun given in be Mr Thomas Nicolson, Advocat, bearing that in respect he was admittit to be Clerk of the Generall Assemblie, in place of vmquhile Mr James Riche, last Clerk therof, be fevin of the Commissioners deput be the last Generall Assemblie, to intreat and conclude in the affaires of the Kirk, quhilk sould fall out [and intervene] betuixt and the nixt Generall Assembly, that, therfor, the Assemblie now conveyit wald admitt the said Thomas to the said office, and corroborat his admissioun with thair authoritie: The brethren conveyit, all in ane voyce, hes creatit and admittit the said Thomas de novo, and electit him to be Clerk of the Kirk, with power to him to vse and exerce the same, and all privedges belonging therto, as frielie as any Clerk might have done at any time bygane.

Sessio 2^a. 2 Martij.

Anent the commissioun direct be his Majestie to Sir Johne Cockburne of Ornestoun, Knyght, Justice Clerk, and Mr Edward Bruce, Commendatour of Kinlos, with all expeditioun, to repaire to the Commissioners of the Presbytries of the Kirk presentlie conveyit within the Kirk of Perth, and to inquire of them if they be ane lawful Generall Assemblie of the Kirk, and hes sufficient power of themselves to give ansuer, treat and conclude vpon such things as are to be proponit and intreattit in this present Conventioun, according to his Majesties warrand and missive direct to them be his Hienes to that effect, and to report thair ansuer, in wryte, theranent. The brethren present, after long reasoning and conference had anent the premisses, thinks that thair meiting is ane laifull Generall extraordinar Assemblie, be reason of his Majesties letter direct to the Presbitries and Provincialls to that effect, and the Presbitries and Provincialls commissioun given to meitt in the towne of Perth : and therfor are willing to heir quhat his Majestie will propone ; and to treat, conclude, and give ansuer theranent, conforme to the commissions with the quhilk they are authorizit be the Presbitries and Synodalls.

Sessio 3^a. 2 Martij.

The Commissioners deput be his Majestie proponit certaine heids and articles to the brethren to be resolvit and concludit in the present Assemblie, quherof the tenour followis :

Sen the quyetnes of the Kirk, and frieing of the same of slander, quibilk vpon the contrair effects wald necessarily follow, is the cheife butt and end, quherat his Majestie shoots in the conveyning and halding of this present Assemblie : Therfor, for elchewing of fashious and langsome disputatiouns, quhervpon diverse vncomely contraverlies and debaits might arise, his Majestie hes thocht good to remitt the decisioun of a great number of the printed questions to a better opportunitie, to be reasonit in the meane tyme be sick as salbe authorizit be commissioun to that effect ; and for the present fall content himselfe with the decisioun of thir few articles follow-

ing, having made choise of nane bot sicker as necessitie of tyme could not permitt to be delayit, without great harme and slander to follow.

1. That it be not thocht vnlawfull neither to the Prince nor any vther of the Pastours any tyme heirafter, to move doubts, reason, or crave reformatioun in any points of the externall policie and government or discipline of the Kirk, that are not essentiallie concerning saluatioun, or is not answerit affirmativé vel negativé be any expresse part of the Scriptures; providing that it be done decenter, in rycht tyme and place, [animo] edificandi non tentandi.

2. That sen the civill and politick government of the country belongs always and allanerlie to the Kings office and his Counsellours, and is no wayes pertinent to the spirituall Ministrie of the Word, that no Minister fall at any tyme heirafter meddle with the matters of the Estate in the pulpit, or with any of his Majesties laws, statutes, or ordinances: Bot if any of the Ministrie fall think any of them hurtfull to the religioun, or contrair to the Word, they fall privately complaine thervpon to the King and his Counsell.

3. That it fall not be lafull to the Pastours to name any particular mens names in the pulpitt, or so vinelie to descryve them as may be equivalent with thair naming, except vpon the notorie of a crime; quhilk notorie man only be defynit be the guiltie persons being fugitive for the tyme, or being sylit by ane aslyse, or excommunicat for the same.

4. That every Minister, in his particular applicatioun, fall have only respect to the edificatioun of his awin flock and present auditour, without expatiating vpon vther discourfes no wayes pertinent for that congregatioun.

5. That everie particular Presbitrie salbe commandit to take diligent account of thair Pastours doctrine, and that he keip himselfe within the bounds of the premisses.

6. That summar excommunicatioun be allutterlie dischaargeit as inept, and that thrie lafull citatiouns, at least of auent days interuall betuix every one of them, preceid the sentence.

7. That no Sessioun, Presbitrie, nor Synodall, vse thair censures vpon any bot them that are resident within the bounds committit to them; vtherwayes thair decreits and sentences to be null.

8. That all fumounds containe ane speciall cause and crime; and nane super inquirendis to be fumound, quod est mere tyrannicum.

9. That no meiting nor conventioun be among the Pastours without his Majesties knowledge and consent; excepting alwayes thair ordinar Sessliouns, Presbitries, and Synods.

10. That in all the principall townes, Ministers be not chosin without the consent of thair awin flock and of his Majestie; and that ordour to be begun presentlie in the planting of Edensburgh.

11. That all matters concerning the rest of his Majesties questiouns be suspendit [unmeddled with,] either in pulpitt or any vther judicators, quhill first all his Hienes questiouns be fullie decydit; and in speciall, that all matters importing slander come not in before them in the meane tyme, quherin his Majesties authoritie royall is hielie prejudgeit, bot only in causes that are meere ecclesiastick.

12. That sevin or aucht of discreit wyfe Ministers be authorizit be commissioun, to reason vpon the rest of the questiouns, as opportunitie of tyme fall serve.

13. That they give commissioun to the Ministrie of the North to be at a point with Huntlie; and if he satisfie them, to absolve him.

And for the better answering of the saids articles, the Assemblie ordainit certaine brethren to be chosin out of every shyre presentlie conveynit, quho sould give thair advyce and overture vpon the saids articles proponit be his Majestie, and therafter report the same to the Assemblie: They are to say, Mrs John Monro, Alexander Dowglas, Peter Blackburne, Johne Strathachin, Alexander Forbes, James Nicolfone, Andro Lamb, Alexander Lindsay, William Cowper, Thomas Buchannan, James Melvill, Johne Spotiswood, Adame Colt, Thomas Storie, Andro Clayhills, Johne Knox, James Bryffoun, Patrick Sharp, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay.

Sessio 4^a.

[Answers to the Articles be the brethren appointed on the conference.

The brethren conveyned gave their advyce in the first article, That it is not expedient to make a law or act touching this, least a door should be opened to curious and turbulent spirits; otherwise they think it lawfull to

the King be himself or his Commissioners, to propound in a Generall Assembly whatfomever points he desires to be relolved in, or to be reformed in *specie externi ordinis*, seeing *substantia externæ administrationis ecclesiasticæ est plenissime tradita in Sacris Literis* : And as the Generall Assembly may accept of that from the King, so may the Generall Assembly doe anent any thing that is done be his Hienes in any Convention, meeting, or Assembly convened be him hereafter.

2. Their advice to second article is, That laws already made, hurtfull to religion, and prejudiciall to the liberty of the Word, be declared to be expired, as the same shall be particularly condescended upon ; and no laws be made hereafter touching religioun without advice and consent of the Kirk, who are declared to be the third Estate of the country : and that no act whatfomever be made contrary to the Word, the preaching whereof the Pastours have concredited to them ; which if it shall fall out (as God forbid) they think, that every Pastour, be advice of his Presbitrie, Synodall or General Assembly, should first complean and seek remedy of the same ; which remedy not being gotten, they should direct the force of the Word against the same with all liberty. And as concerning matters of Estate, the brethren desires the explaining of this point of the article.

3. No mans name should be exprest to his rebuke in pulpit, but where the fault is notorious and publick ; yet they esteem Notoriety must be defyned otherwayes than by being fugitive, and fyled by Allise, or excommunication : for contumacy after citation, publick commiſſion of murther, adultery, or the like, as was Bothwels coming to the Abay, the murder at Dunnybrissel, and many other of that sort, makes notoriety. As to the vive description, equivalent to the naming, it is hard to set a law therto, seeing a guilty person will apply to himself, howbeit the Preacher never thought of him.

4. No Pastor should use application, wherein he has not respect to the edification of his own flock, and the present auditors.

5. It is the duty of every Presbytrie to take account of every Pastors doctrine, that he keep himself within the bounds of the Word of God.

6. In the Generall Assembly holden at Montrose, it was ordained, That every Presbytrie should seek out the warrants of summar excommunication *pro et contra*, and produce the same to be considered in the next General Assembly ; and that decision might be taken therein, according to the Word of God. And seeing the Commissioners from Presbyteries at this present

have not brought with them the saids reasons, it is best to leave this matter to the ordinar General Assembly. In the meantime the act of Montrose to be kept.

7. The General Assembly has appointed every offender to be censured in the place where he offendeth; which they cannot goe by, nisi in causa communi.

8. Fiat.

9. This article is against the meeting of Pastors necessar, as visitation of kirks, admission of Ministers, concurrence of brethren on the most lawfull errand, as in taking up of feeds, resolving of questions, and such lyke: Therefore, belide their Sessions, Presbyteries, Synods Provincial and General, the brethren think all meetings, for discharge of their office, ought to be allowed.

10. This article is answered be an act of the General Assembly, which statutes, that the principal touns fall be planted with Ministers be advice of the General Assembly, at the which his Hienes Commissioners are, and should be present.

11. This article imports a discharge of many points of our Discipline, so as it cannot be presently answered.

They gave their advice be word to 12 and 13 articles. C.]

Sessio 5^a. 4 Martij.

The brethren conveynit being desyrit be the Kings Commissioners, sent fra his Majestie to that effect, to repaire to the place quher his Hienes and Estates were presentlie sittand, to conferre anent the forsaids articles, they, at his Majesties desyre, resorted to the Counsell house; and ther, befor any farther reasoning, after his Majestie had discoursit vpon sick things as sould be proponit, protestit in maner as after followis:

Sir, Forfameikle as we are come hither to testifie to your Majestie our obedience, and to heir quhat salbe proponit be your Hienes to vs, with all reverence we protest, that this our meiting be not esteimit as thoch we made ourselves ane Assemblie with the Estates, or zet dois submitt any matters ecclesiasticall, either concerning doctrine or discipline, to this Judicature:

But after we had conferrit and reafonit with your Majestie anent the articles proponit to vs, we must returne to the ordinary place of our Assemblie, ther to reafon, vote, and resolve in all these points, according to the Word of God and a good conscience. And this our protestation we most humble desyre may be admittit and insert in your Majesties Bookis of Counsell, for eschewing of inconveniences that heirafter may rise.

The quhilk protestatioun was ratified and reiterat and confirmit be his Majestie ; and after lang reafoning vpon the saids articles, the brethren was dimittit.

[The answers as they were altered, and are extant registred in the 6th Session, here follow. C.]

Session 6^a. 4 Martij.

Anent the Articles proponit be his Majestie to be resolvit and answerit be the Generall Assemblie, the brethren, after long conference and mature deliberatioun, concludes and answers to the same, in maner and forme as after followeth :

1. That it is lafull to his Majestie, be himselfe, or his Hienes Commisioners, or to the Pastours, to propone in a Generall Assemblie, quhatsoever [poynt] his Majestie or they desyres to be resolvit or to be reformit in matters of externall goverment, alterable according to circumstances ; provyding it be done in right tyme and place, animo edificandi, non tentandi.

2. The Assemblie ordaines that no Minister fall reprove his Majesties laws, statutes, acts, and ordinances, vnto the tyme that first he be advyce of his Presbitrie, Synodall or Generall Assemblies, complaine and seik remedy of the same from his Majestie, and report his Majesties answer, befor any farther proceeding.

3. No mans name shuld be exprest to his rebuik in pulpitt, except the fault be notorious and publick ; quhilk notoritie is defynit, If the person be fugitive, convict be ane assyse, excommunicat, contumax after citation or lafull admonition ; nor get shuld any man be descryvitivelie be any other circumstances except publick vyces alwayes damnable.

4. The brethren finds that no perfon fould vfe applicatioun, quherin he has not a cheife refpect to the edifieing of his awin flock and prefent auditours.

5. The Affemblye ordaines every Presbitrie to take diligent account of the Pastours doctrine, and that he keip himfelfe within the bounds of the Word.

6. The Affemblye fuperfeids to anfuer to the 6 article to the nixt Affemblye; and, in the meane tyme, fufpends all fummur excommunicatioun quhill the faid Affemblye.

7. The 7 lykewayes is referrit to the next Affemblye.

8. Ordaines all fummonds to containe a fpecial caufe and cryme, and that nane be fummound fuper inquirendis.

9. No Conventiouns fould be among the Pastours without his Majefties knowledge and confent, except alwayes thair Sefsiouns, Presbitries, and Synods, thair meittings in vifitacioun of kirks, admiſſioun and deprivation of Minifters, taking vp of feids, and lick vthers as hes not bein found fault be his Majeſtie.

10. In all principall townes, Minifters fould not be choſin without the confent of thair awin flock and his Majeſtie.

11. All matters concerning his Majeſties queſtiouns remanent falſe fufpendit, not damned or rebuked either in pulpitt or vthers thair Judicatures, quhill firſt all his Hienes queſtions be decydit in the nixt Generall Affemblye; and in ſpeciall [no] matters importing flander ſhall come in before them in the mean tyme, quherin his Majeſties autorite royall is [highly] prejudgeit, excepting only eccleſiaſtical caufes.

12. The Affemblye hes choſin and appointit certaine brethren with commiſſioun to intreat vpon the faids queſtiouns, and to report thair advyce and opinioun to the nixt Generall Affemblye; referring the tyme and place of conveyeing to his Majeſtie. The brethren appointit to that effect, as followis: Mrs James Nicolſoun, Johne Caldecleugh, Andro Clayhills, David Lindſay, Thomas Buchannan, James Melvill, Robert Wilkie, William Couper, Johne Couper, Thomas Bryffoun, Robert Rollock, Patrick Galloway, Johne Duncanſone, Robert Hewie.

13. The Affemblye gives commiſſioun to the Miniſtrie of the Presbytries of Murray and Aberdeen to inſiſt in conference with the Erle of Huntlie; and to that effect appoints Mrs Andro Milne, Andro Leich, Andro Lamb, George Gladſtanes and Johne Ramſay, to concurre and aſſiſt with them, and [ordaines them to] report thair anſuers to the conditiones and articles given to them in commiſſioun for tryall of the faid Erle.

Sessio 7^a. 5 Martii.

The Articles for the trial of the Erle of Huntlie.

First, That the said Erle, from the day of his compeirance befor the saids Commillioners, shall make his constant and ordinarie residence in Aberdein, that he may be instructit be hearing of the Word, and ordinary conference, indureing the tyme appointit for the same.

2. That he be well informit with knowledge to condiscend on the principall grounds of religioun affirmativé, and the vntueth of the errours contrair to the same; and that he be able to give a reason of his knowledge in some measure.

3. That he be brocht to a plaine acknowledging of the Kirk within this countrey, and profess himselfe adjoynit to the same, as ane obedient member thereof, and be content to heare the Word, participat the sacraments, and obey the discipline of the Kirk, as the same is presentlie allowit be the Kings Majestie and Estates.

4. That he solemnlie promise, be word and wrytin band, to remove out of his house, companie, and haill bounds vnder his power, Jesuits, Preists, and excommunicat persons.

5. That he aggrie to sweare and subscribe the Confessioun of Faith in presence of the haill Commillioners.

6. That he aggrie to satisfie the Kirk of Aberdeine, in most humble manner, for his apostasie, and ther renew the forsaids promises and bands in most solemne manner.

7. Anent the slaughter of the Erle of Murray, That he declare his greife and repentance for the same, and promise to make ane assythment to the partie, quhen the same may be convenientlie acceptit of, and vtter his forsaide repentance and greife therein, at the tyme of his publick satisfactioun forsaide.

8. Forfameikle as be occasioun of service done to his Majestie in perfewing the said Erle be force and vtherwayes, fundrie in these parts hes incurrit his displeasure and deadlie feid, that he be content to remove all these occasiouns with such convenient diligence as the saids Commillioners shall think expedient.

9. For declaratioun of his affaid adjoyning with vs, that he be content at thair fichts, and advyce of his best difpofed freinds, to provyde fufficient flipends for his kirks.

10. That he fall acknowledge his faults, quherfor he was [juftly] excommunicat, and efpecially the burning of Dunibirlie, and [his] apoftafie.

11. That he fall have ane ordinar Miniſter refident in his awin houſe continually :—

With power to them to conveyne the 22 day of March infant, or fooner if they can poſſible, and to conferre with the Erle of Huntlie, and reſolve him of the Articles forſaids, and to report his mynd and reſolutioun anent the ſame at the nixt Generall Affembly, to be haldin at Dundie the 10 day of May nixt to come.

Anent the ſupplicatioun givin in be Dame Elizabeth Oliphant, Counteſſe of Angus, making mentioun, That quher diverſe and frequent futes hes bein made be herſelfe and the remanent freinds of William, ſometymes Erle of Angus, deſyrand conference with certaine of the Miniſtrie, for his farther reſolutioun in the heids of Chriſtian Religioun, quhilk hes not tane ſo good ane effect as was lookit for, be reaſon of certaine impediments quhilk hes fallin out in the meanetyne ; requeiſting, therfor, moſt earneſtly to appoint certaine of the wiſeſt brethren quher he maks his relidence, to conferre and reſolve him of the doubts that ſtaves [him] from imbraceing of the true and Chriſtian Religioun publietlie profeſt within this realme : The Affembly ordaines the Miniſtrie of Angus and Mernes to conferre with the Erle of Angus anent ſick doubts as he wald be reſolvit vpon ; and ſpecially to conferre with him anent the Articles preceeding, quher vpon the Erle of Huntlie is ordainit to be tryed, exceptand only ſick as concernes the Erle of Murrays ſlaughter ; and to report his reſolutioun in the preſſes to the nixt Generall Affembly.

Anent the offers givin in be Francis, ſometymes Erle of Erroll, to the Generall Affembly preſentlie conveynit at Perth, beirand as folowes :

Fiſt, I offer to abyde any juſt tryall of the alledgit traffiqueing againſt the religioun preſentlie profeſt within this countrey, indureing my abſence

off the countrey, and to make all sufficient purgatioun to your Wifdomes for the fame.

Farther, I offer all possible securitie and catioun, in all tymes coming, nevir to traffique aganis the said religioun, and that neither the said religioun nor discipline therof fall anywayes be hindred be me, bot have the ordinar courfe in my bounds, as in vther parts of the countrey.

And to declare my willingnes to be refolvit in the said religioun, I am content to accept conference therin, and requyres the fame at your Wifdomes, quho hes the power, that ge will appoint ane or mae of your number indifferentlie, as they falbe requyrit of me in the parts quher I presentlie dwell, and hes the leasure or occasioun to resort quher I fall happin to be, to conferre with me vpon the hail contravertit heids, [that I may have instructioun ;] and if I falbe thereby movit, that the hail number of that Synod quher my residence is, will take the paines to conveyne and meit me at some competent place, to hear and testifie of me. Indureing the quibilk tyme of conference, I fall no wayes respect any Jesuit, Seminarie Priest, or excommunicat person.

And if it fall happin that I be refolvit in the heids of contravertie, I fall vnfaiedlie from my heart imbrace the said religioun, and make publick confessioun therof in tyme comeing, and fall make satisfactioun for my defectioun from the fame, as falbe injoynit.

Lastlie, Defyris to be absolvit, or at least suspendit, from the sentence of excommunicatioun indureing the tyme of my conference ; so that none of my freinds that resorts to me, and may be stedable to me be thair counsell, either in the said conference or vthers my leifum affairs, be troublit be your censure therfor, bot may have your licence to have acceffe to me, and I to them, in quhatsoever part of the countrey I fall resort ; lykeas I have obtainit his Majesties licence and charge to your Wifdomes to give me conference ; quhilk it may please you receive, and doe accordingly as ge wold give me argument of your good intentioun towards my conversioun ; quherof I doubt not : and for the performing of the premisses fall find catioun and fovertie.

The Assemblie ordaines the Ministrie of Murray and Aberdeine, with the fyve Ministers adjoynit to them, for conference with the Erle of Huntlie, to treat lykewayes with the [Erle of] Erroll anent the premisses, and to report to the nixt Generall Assemblie quhat resolutioun they find in him concerning the Articles conteinit in thair commissioun direct for the

tryall of the Erle of Huntlie; exceptand alwayes sikk articles as concerns the slaughter of the Erle of Murray.

Farther, The Assemblie ordaines these Commissioners grantit for conference with the saids Erles of Angus, Huntlie, and Erroll, to be extendit to the Lairds of Newtoun and Bonytoun, in case they offer themselves to satisfie the Kirk.

Attour, If it fall happin the said excommunicat persons, or any of them, to resort or repare to any vther part within this realme, the Generall Assemblie gives full power and commissioun to the Ministrie of the Presbitries quher they fall chance to resort, to treat and conferre with them anent the heids and articles above wrytin.

Anent the supplicatioun givin in be Mr Johne Rutherford, desyreing the proces of his deprivation led be the Presbitrie of Sanct Androes to be producit, sein, and considerit be the Assemblie: The Assemblie ordaines the said Presbitrie to produce the said proces at the nixt Generall Assemblie, and ther to ansuer to the said Mr Johne his complaint givin in against them.

Certaine Petitiouns given in be the Ministrie presentlie conveyit, [to be presented] to the Kings Majestie.

It is humble craveit be this present Assemblie, that your Majestie, with advyce of the Estates presentlie conveyit, considering how it hes pleased God to give a good successe to this present Conventioun, and that all things concludit herein tends to the peace and quyetnes of the haill Estate of this countrey, and the disappointing of the expectatioun of the adversaries, will, with advyce forsaids, publish be opin proclamatioun the good successe of this present Conventioun, together with a declaratioun of your Majesties intentioun, vterit be yourselfe at this tyme in presence of your Estates, declaring your good will to maintaine the true religioun presentlie profest within your countrey, the discipline adjoynit therto, and the Ministers to quhom the charge of the same is comittit; and to declare that your Majesties will is, that quhatsoever law, act, or proclamatioun hes bein made, prejudiciall to the same, salbe esteimit contrair to your Majesties meaning, and to have no force nor effect in no tyme heirafter; and that nane of your subiects pretend, be any colour therof, to trouble any of the saids

Ministers, but that they wilbe vnder your Majesties protectioun; and that he will eskeime the contraveiners, troublers of your estate, and punish them accordinglie.

2. That all Papists, Jesuits, and excommunicats remaining within this countrey, be chargeit to passe off the same, betuixt and the first of May nixt to come, or els to satisfie the Kirk: and if they doe not the same befor the day appointit, that Sheriffs in shires, Provests and Bailgies in townes, be commandit to apprehend and present them before his Majestie and Counsell, to be punishit according to the law; and if they be negligent in apprehending them, that commissioun be givin to certaine most zealous and willing persons to doe the same.

3. That it may please your Majestie, according to your accustomit clemencie, to relaxe presentlie the Ministers of Edinburgh from the horne, and suffer them [peaceable] to returne and remaine within this realme; as also to releive and sett at friedome sick gentlemen and professours of religioun as now are vnder challenge, seeing your Majestie knowis that the love to religioun movit them to these things quherwith they are now burdenit.

4. That seeing that Edenburgh has that honour to be cheife burgh in this countrey, and that place quherin religioun, since the beginning, hes bein most flourishing, and now are both destitute of thair awin Ministers, and sicklyke callit, from tyme to tyme, before your Majestie, quhilk is no small greife to thair hearts, in respect that your Majestie knowes the greatest part of the haill towne are most willing to give your Majestie all obedience, and to hazard lyfe and substance for your Majesties standing, That it may please your Majestie favourablie to deale with them according to your accustomit gentlenes, that it may appeir that your Majestie is more inclynit to shew favour to men that meanes [uprightlie] to your Hienes then to Papists. We are movit to crave the same, that all your subiects may fie a generall aggriment.

5. That it may please your Majestie, seeing Mr David Black hes obeyit sick things as was injoynit to him, to give him libertie to returne to his flock; and sicklyk to Mr John Welch and to Mr John Hewifone.

6. Because diverse complaints of hurting and mutilating of Ministers are givin in before vs, namely

We most humble crave that your Majestie wald take some substantiall ordour for punishing the offenders in example of all vthers heirafter.

7. That proviſion be made for planting of kirks, and that the augmentatiouns and planting of new kirks, made in anno 1595, be allowit.

Follows his Maieſties Answers to the ſaid [Petitions and] Articles.

The firſt article is grantit in ſubſtance.

The ſecond is alſo grantit.

As to the third, [and firſt part thereof,] concerning the Miniſters of Edinburgh, They are ordained to be relaxit vpon caution to be found be them to the Juſtice Clerk, that they fall vnderly the law. As to the gentlemen for quhom the Aſſembly makes requeiſt, His Maieſtie thinks good that they, be the mediation of thair freinds, be futers for themſelves.

And as to the fourth, touching the towne of Edinburgh, His Maieſtie myndis no wayes to trouble innocent men, bot ſick only as are guiltie, and myndis ſhortlie to be at point with them.

Twitching the inuaſioun of the Miniſters, a Commiſſioun is [ordainit to be] directit for calling and puniſhing the offenders.

Concerning the laſt article, his Maieſtie ordaines the Treafurer, Mr James Elphingſtoun, the Clerk Register, Mr Johne Preſtoun, and Mr Edward Bruce, to take ordour, aſweill for the planting of kirks, as with the augmentatiouns quhilk were grantit anno 1595.

[The Kings Preface to the reader before the printed Questions, declaring what was his intention in moving of so many questions anent the Discipline. The tenor whereof followeth.

To the Reader.

For as much as it is one of the principal points of the office of a Christian King to see God rightly honoured in his land ; for effectuating whereof it is necessary, that the Spiritual office bearers in the Kirk not only teach sound doctrine, concerning the points of salvation ; but likewise observe a comely order in the Spiritual Policy agreeing with the Word of God, the loveable custome of the primitive Kirk, and with the lawes of the country, and nature of the people, for repressing the vices, whereto they are chiefly inclined, as best may serve to establish and maintain the purity of religion : Therefore it becomes every Christian King, as fathers, nourishers of the Kirk within their dominions, and revengers of the breaches of both the tables, to strengthen and assist, be the concurrence of their civil sword, the said Spiritual office bearers in the due execution of their calling : and, on the other part, to compell them to exercise faithfully their office, according to the rule prescribed to them be the Word of God ; not suffering them to transgress the limits thereof in any sort : Wee, therefore, having had due consideration hereof, and perceiving not only a great liberty used in application of the doctrine within our country, without any clear warrant of the Scripture as yet alledged, for proving of the same ; as also a great obscurity in divers points of Discipline and Policy of the Kirk ; novelties daily creeping in ; the lawful authorities and warrants thereof not being as yet made manifest ; have thought, comely following the loveable exemple of Christian Emperours of the primitive Kirk, to convene and assemble a National Council, as well of the Ministry, as of our Estates, and of all sorts of men of deepest learning and greatest sincerity in religion ; to be holden and to beginne to sit in our burgh of Perth the last of Februar next to

come ; gravely to treat, reason, consult, and determine, (according to the Word of God, as the only rule,) upon the clearing and distinguishing of the Spiritual Jurisdiction, as well in the application of doctrine, as in the whole Policie and Government of the House of God. And to the effect that all men may come the better prepared to the said Convention, being duly forewarned, and advised with the matters that then are to be traited on, Wee have thought good to fet down certain Articles thereof, in form of Questions, as hereafter followeth ; taking God, the searcher of all hearts, to record, that our intencion in this, is no wayes to trouble the rest and peace of the Kirk by thorny questions, or to claim any tyrannical and unlawful government over the same, but only to see all such troublesome questions solved at this tyme ; which, if they still remained in doubt, might, either in our time, or in the time of our successors, breed slanderous debates : and that the Policy of the Kirk be so cleared, as all corruptions may be weeded out of the same, and none suffered hereafter to creep in ; that thereby the glory of God may be advanced, all grounds of farther Questions betwixt us and the Ministry may be removed, and a pleasant harmony and mutual concurrence between us may be established, to the great comfort of all good men, and terror of the wicked. C.]

[The Questionns proponed be the King, to be resolved at the Conventioun of the Estais and Generall Assemblée, appointed to be at brouche of Perth, the last of Februar.

Q. 1. May nocht the maters of the externall gubernation of the Kirk be disputed, *salua fide et religione*.

Q. 2. Is it the King feuarlie, or the pastorseuarlie, or bathe coniunctlie, that shuld establishe the Actes anent the externall government of the Kirk, or what is the form of thair coniunction to mak lawes.

Q. 3. Is nocht the consent of the maist part of the flock, and also of the Patron, necessar in the electioun of the Pastors.

Q. 4. Is it lawfull for the Pastor to leaue his flock against thair willes, albeit he haue the consent of the Presbyterie ; and for what cause shuld the Presbyterie consent therto.

Q. 5. Is it lawfull for a Minister to vse farder applicatioun nor that quhilk may edifie his awin flock ; or is the hail world the flock of euerie particular Pastor.

Q. 6. Is he a lauffull Pastor, who wants impositionem manuum.

Q. 7. Is it lauffull to Pastors to expresse particular mens names, Counfallis, or Magistrats in pulpit, or so viulie to descryue tham, that the peiple may vnderstand whom be they mein, without notorius declarit vices and priuat admonitions preceeding.

Q. 8. For quhilk vyces sould admonitiones and reprouing of Magistrats pas publictlie from pulpits in their absence or presence, respectiue.

Q. 9. Is the application of doctrine in pulpits lauchfull quhilk is foundit vpon informatiouns, bruits, and rumors, suspitions, conditions gif this be and that be, probabilities, liklines or vnliklines in things to come in ciuill maters, quhilk all may be fals, and consequentlie the doctrine following thervpon; or sould all applicatioun be vpon the veritie of knawin and notorius vyces.

Q. 10. Is the text, quhilk is read in the pulpits, the ground wherupon all the doctrine sould be buildit, or may all things be spokin vpon all texts, so that the reiding therof is bot a ceremonie.

Q. 11. May a simple Pastor exerceise anie iurisdiction but consent of the maist part of his particular sessioun.

Q. 12. Is nocht his sessioun iudge to his doctrine.

Q. 13. Sould nocht the Moderator of the Sessioun be chosin yierlie of anie who has vot therein.

Q. 14. May the Sessioun be lauffullie elected by Ministers onlie, but the consent of the haill congregatioun.

Q. 15. Why sould nocht Eldars and Deacones of ilk particular Sessioun be elected ad vitam.

Q. 16. How manie Presbyteries is meit to be in the haill countrie, in what places, and whow manie Pastors of Kirk in ilk Presbyterie.

Q. 17. Sould nocht the Eldars and Deacons of ilk particular Sessioun, haue vot in the Presbyteries, or the Pastors only.

Q. 18. What is the maters of the iurisdiction of the Presbyterie, quhilk may nocht be intreated in particular Sessiouns.

Q. 19. What form of procefs in libelling and citation, termes and dyattes, probation and pronouncing of the sentence, sould be vlit befor the particular Sessiouns and Presbyteries respectiue.

Q. 20. What maters sould the Synod intreat vpon, quhilk may nocht be decydit in the Presbyteries.

Q. 21. Sould nocht all wha hes vot in the Presbyteries, and als in the particular Sessions, have vot in the Synodall Assemblies.

Q. 22. Sould ilk Vniuersitie or ilk Collage, or ilk Master or Regent within ilk Collage, haue vot in the Presbyteries or Synodals in the towns or countries whar they ar; and sic lyk, what form of vot sould they haue in the Generall Assemblies.

Q. 23. Is it lesum to conuocat the Generall Assemblie by his Maiesties licence, he being pius et Christianus Magistratus.

Q. 24. Is it necessar that the Generall Assemblie be ordinar, or onlie extraordinarie conuened for waigtie causses concerning the Kirk.

Q. 25. Hes nocht all men of guid lerning and religion vot in the Generall Assemblie.

Q. 26. Is ilk particular Pastor obleit to repear to the Generall Assemblie, or is it sufficient that onlie Commissioners com fra ilk particular Session, Presbyterie, or Synodall.

Q. 27. Wha sould chuse the Commissioners to cum fra ilk schyre to vot in the Generall Assemblie.

Q. 28. Qubat is the number of votters necessar to the lawfulness of the Generall Assemblie, and whow manie of the hail number sould be Pastors, and how manie vther men.

Q. 29. May anie thing be acted in the Assemblie to the quhilk his Maiestie consents nocht.

Q. 30. Is it nocht expedient that the twa part of them, wha has ins suffragii, sould consent to anie thing decernit in ecclesiasticall iudgment, that matters pas nocht be a vot ma or les.

Q. 31. Hes nocht ilk Iudgment inferior to the Generall Assemblie an territor limitat, outwith the quhilk they haue no powar of citation or iurisdiction.

Q. 32. What is the ordinar ecclesiasticall Iudgment to the discipline of his Maiesties household and Counfall, remouable with his Maiestie to anie part of the realme.

Q. 33. Sould thair be libellit precepts containing the cause of the citation and certificatioun of the censures befor all ecclesiasticall Iudgments, or onlie till answer super inquirendis.

Q. 34. Hes the inferior Iudgment powar to summond to compeir befor anie superior Iudgment, or sould men be summoned onlie be the authoritie of that Iudgment befor quhilk they sould compeir.

Q. 35. Is it nocht necessar that priuat admonitionnes, with reasonable intervalles of tym, pas befor all maner of citationnes.

Q. 36. What intervalles of tym is necessar betwix priuat admonitioun, and betwix the last admonition and the first citation, and betwix the citation and the day of compeirance befor ilk an of the said judgments.

Q. 37. Whow manie citatiounes sould infer contumacie.

Q. 38. Is simple contumacie, but probatoun of a cryme, or is anie cryme but contumacie, sufficient cause of excommunication.

Q. 39. Is ther nocht diuers kynds of censures, sic as prohibitio priuati convictus, interdictio a cœna, nocht published to the peiple; and last of all, publica traditio Satanae.

Q. 40. Sould the Presbyteries be iudges of all things that imports sklander; and gif sa be, wharof are they nocht iudges.

Q. 41. Can excommunication be vsed against theiffis, murderers, vsurars, or nocht payars of thair dettes; and if sa it may be, why ar nocht all Bordour and Hieland theiffis curled; as als all the manswering merchants and occurrars amongs the burrowes.

Q. 42. Is ther any appellation fra the inferiour to the superior iudgment; and is nocht the sentence suspendit during the appellation.

Q. 43. Sould nocht all proces and actes be extracted to parties hauand interest.

Q. 44. Is summar excommunication lauchfull in anie cace, but admonitionnes and citationnes preceeding.

Q. 45. Hes anie vther nor the Pastors of the Kirk vott in excommunication.

Q. 46. Hes ilk ecclesiasticall Iudgment a lik power to excommunicat.

Q. 47. Is it lawfull till excommunicat sik Papists as professit neuer our religion.

Q. 48. A woman being excommunicat, hauing a faithfull housband thereafter, sould he abstain from hir companie.

Q. 49. Is it nocht reasonable, that befor anie letters of horning be granted be the Session vpon the proces of excommunication, that the partie sould be fummoned to heir thaim granted.

Q. 50. Hes nocht a Christian King powar to annull an notorius iniust sentence of excommunication.

Q. 51. May anie Counfall or Vniuersitie be excommunicat, for what cause, whom be, and maner therof.

Q. 52. When the Pastors does nocht thair dewtie, or when a iurisdiction vsurpes aboue an vther, or anie vther schisme fallies out, sould nocht a Christian King mend sic disorders.

Q. 53. May fastes, for generall causes, be proclaimed be a Christian Prince command.

Q. 54. May onie ecclesiasticall Iudgment compell a man to sweare in suam turpitudinem.

Q. 55. Sould ther onie thing be intreated in the ecclesiasticall Iudgment, preiudiciall to the ciuill iurisdiction or priuat mens rights; and may nocht the ciuill Magistrat lauchfullie stay all sic proceedings. [C. & Melvill's Diary.]

[Instructions givin be the Synod of the Prouince of Fyff to the Commissionars, to be chosine by euerie Presbyterie within the said Synod, to go to the Conuentioun appointed be his Maiestie at Perth: The quhilk the said Synod ordeanit tham and euerie an of tham preceisslie to keipe.

Firft, Yie fall schaw that yie are com for obedience to his Maiestie, and nocht for that yie acknowlage that to be a lawfull Generall Assemblie, be reasone it was nocht appointed be the last Generall, nor convocat be the advys of the Commissionars of the last Generall Assemblie, as hes bein the practife of the Kirk at all tymes befor within this realme, warranted be the Word of God and lawes of the countrey.

Item, Yie fall schaw that yie may nocht condifend in anie wayes to the reasoning or putting in questioun the maters of the Polecie of the Kirk; because the Generall Kirk of this realme, to quhilk yie ar subiect, hes alreadie determined the saming; quhilk determinatioun yie haue also subferyvit vnto, and nan may call the sam in dout, and put tham in reasoning, but a Generall Assemblie: Therfor yie fall desyre his Maiestie, in all humilitie, for continuation of the reasning to the ordinar assigned Generall Assemblie, to be haldin at Sanct Androus the xxvj of Apryll nixtocome.

Item, Gif na continuatioun can be obtained, and yie ar vrged to proceide, yie fall protest for the liberties of the Kirk, and planlie disaffenting, keipe yourselfis frie of euerie thing that salbe done theranent.

Item, Because the Conuentioun is appointed be his Maiestie onlie for the

questionnes, yie fall nochit mell in anie maner of way withe the receaving of Hountlie or vther excommunicats, or anie vther thing remitted from Synodall, or Presbyteries, or properlie belonging to a Generall Assemblie.

Item, In cais the brethring amang thamfelues, or his Maiestie, or anie of his Counfall, enter in reasoning with yow, or anie of yow in privat, that ye hould fast be thir generall grounds.

1. That the haill externall government of the Kirk mon be tean out of the Word of God.

2. That the ordinar Pastors and Docters of the Kirk mon schaw the will of God out of his Word ; and that onlie to be followed.

3. That the Pastors and Docters of the Kirk of Scotland hes, with lang and graue deliberatioun, fett down and constitut the haill externall discipline and government of the Kirk ; according to the quhilk it hes bein thir manie yeirs sa happelie governit and rewlit, that na heresie, schisme, or dissentioun hes haid place therein vnto this houre ; and that ther is nan beiring office in the Kirk, who calles the sam in dout. It wald, therfor, pleis his Maiestie nochit to suffer the rair and maist peaceable and decent constitutioun therof to be disturbit be exagitating of fruietles questionnes, namlie at this tyme, quhen Papists preasses, be that mean of disputatioun namlie, to brangle and pervert all.

Item, Yie fall trauell with the Ministers, Barronnes, and Noblemen, that fall happin thair to be conveynit, that an vniform supplicatioun may be maid and giffen in for restoring of the Ministers of Edinburch, and Mr David Blak again to thair flockes ; and behave yourselves heirin, in the feir of God and loue of Chryst and his kingdom, faithfullie and providentlie, with all dewtifull reuerence to the Kings Maiestie. [C. & Melvill's Diary.]

[The Presbytrie of Edinburgh being in jealousy lykways of the Kings proceedings, limited their Commissioners in forme, as followeth.

The form of Commiſſion givin to the Commissioners of the Presbytrie of Edinburgh.

For as much as his Majestie has appointed a Generall Assembly of the Ministry to convene at Perth, the last of Februar instant ; and to that effect, his Hienes has directed letters missives to divers Presbyteries within this realme ; and among others to the brethren of the Presbytrie of Edinburgh, willing and desiring them to address two or three of the wisest and most

discreet brethren of their number to the said Assembly, against the said day and place, instructed with commission, and their best advyce and opinion in matters touching the Policy of the Kirk, as the same bears: The brethren, therefore, of the said Presbytrie, to witnes their humble obedience to his Majestie as to their Sovereign, have directed, lykeas be these presents direct, their well beloved Mr David Lindsay, Mr Patrick Galloway, John Duncanfon, Ministers, with power to them to convene and assemble themselves with the Commissioners of other Presbyteries, that shall happen there to be convened, to hear and see what shall be proponed anent the treating of the difference of the Civil and Ecclesiastical Judgements, and matters concerning the Policy of the Kirk, and external government thereof, and to report to them; but no wise to proceed in reasoning, voting, or concluding any thing, which may be prejudicial to the Constitutions of the General Kirk, anent the said matters; and to deal therein according to the instructions given in write, and no otherwise. To all which wee give the brethren foresaid our power and commission, promising to hold firm and stable &c.

Subscribed be the Clerk of the Presbytrie.

Instructions to the Brethren.

1. Ye shall shew, that ye are come for obedience to his Majestie, and not for that ye acknowledge this to be a lawfull Assembly, be reason it is not appointed be the last General, nor convened be the Commissioners of the last General Assembly, as has been the practise of the Kirk, at all tymes before, in this country.

2. Ye shall shew, that ye may not condescend any way to the reasoning of the matters of the Policy, because the General Assembly, to which ye are subject, has already determined the same; which determinations ye have also subscribed unto; and none may call the same in doubt, or put them in reasoning, but the General itself: Therefore ye shall desire his Majestie, in all humility, for a continuation of the reasoning till the ordinary Assembly, which is to be in Sanct Andrews, in the month of Aprile next to come.

3. If no continuation can be had, and ye be urged to proceed, ye shall protest for the liberties of the Kirk, and keep yourselves always free of every thing, that shall be done thereanent.

4. Because this Assembly is convened be his Majestie, only for thir differences, ye shall not medle in any manner with Huntlies receiving, or any other thing properly pertaining to the General.

5. Last, Ye shall travel with the Ministrie, Barons, and Noblemen, that shall happen there to be convened, that an uniforme supplication may be made for restoring the Ministers of Edinburgh to their flocks; and to behave yourselves herein prudently, as accords. C.]

[Upon the 27 of Aprile, Mr Robert Pont, Moderator of the last Generall Affembly ordinar, went to Sanct Andrews of purpofe to keep the dyet appointed be the laft Generall. Few or none conveyed, but fome few Commiffioners out of Lothian, Perth, Stirline, and out of the Synod of Fife. They conveyed in the New College School, the place appointed for the faid Affembly. After in calling on the name of God, and humble confession of the fins which had procured that defolation, craved mercy, and fenced the Affembly. Notes and documents of proteftation were taken for the liberty of the Kirk. All fummonds, references, appellations were continued till the Affembly following. The exhortation of the Moderator was lykeways continued to that day. C.]

A. D. M D.XCVII.

The Generall Affemblie, halden at Dundie the 10 day of May 1597,
in the Litle Kirk.

Sessio 1^a.

Exhortation beand made be Mr Robert Pont, laft Moderatour, the brethren appointit on the leits Mrs Nicoll Dalglesish, James Melvill, Patrick Simfone, Patrick Sharp, Thomas Buchannan, Johne Porterfeild, Robert Rollock, James Balfour, David Fergusone, and David Lindfay: be pluralitie of vottis Mr Robert Rollock was elected Moderatour hac vice.

Sessio 2^a.

Mr Thomas Nicolfone, and Johne Williamfone, Writer, beand put on leits for the Clerkship, vaikand be the deceis of Mr James Ritchie; be pluralitie of votis, Mr Thomas Nicolfone, Advocat, was chofin, fworne, and admittit.

Sessio 3^a.

[Also it was ordainit, That at the penning of every Aæt, there should be certain discreit and wife brethren, with the Clerk, to see the Aæts formed;

of which number were Mr James Melvil and Mr James Nicolson ; but when Mr James Melvil came to attend, they were commanded to come to the King with the minuts : So he got not accels again.

It was also ordained, That all the Acts should be read in audience of the haill Assemblies, before the dissolving of the same ; and thereafter to be inbookit and registrat. C. & B.]

[It was shewed to the Assembly, how the Kings Articles past at Sanct Johnstoun ; but no remedy : Howbeit, a great number of the sincerest fort did their part honestly.

Mr John Davidsons letter to the Assembly was read in the third Session, the copy whereof followeth.

Gal. 5. Stand fast therefore in that liberty wherewith Christ has made us free ; and be not intangled again with the yock of bondage.

As infirmity of body hindered my presence from this Assembly, (Reverend and loving brethren,) so straitness of time suffereth me not to supply my absence be writt, as I would : yet seeing duty craved somewhat in this case, at so necessary a tyme, I abridged a few things to call to your godly remembrance ; beseeeking you all to take them in good part, as they come of a loving mind to Christs cause and weale to his Kirk. It is not unknown to you, (dear brethren,) that the unity and the liberty in the sincerity of doctrine, has been, and is to this day, the rose garland of the Kirk of Scotland ; and that the preservation of this unity and liberty in doctrine, come of the agreement in the liberty of the execution of discipline, which has been the hedge and bulwark, as it were, to the doctrine hitherto : Therefore the invasion of the freedom of discipline cannot be without ensuing danger to the liberty and unity of doctrine, no more than Edinburgh can be long free of fear of perrill, if invasion of the borders be not resisted at the borders. And it may well be thought, that the preservation of the liberty and unity in discipline, was faved be the wise wearing off thornie questions thereanent, by wise foresight of our worthie fathers and brethren, who ranged the questions in the General Assembly to allow the tyme and place therof, that the heat therof should not burst out at the beginning, and so disturb the whole action. Besides this, these questions

were limited to come by degrees from other inferior Assemblies, who were not able to solve them; and not to break in at the broad side. And last, if they were questions of weight, they were remitted from one Assembly, to be ripely advised on by the brethren, to the next Assembly, for avoiding of contention and rash conclusions. Which good custome, if it had not been kept, our liberty and unity could not have stood, as two loving sisters, to this day; for where questions get over great liberty, godly edifying is excluded, as miserable experience teacheth among the Popish schoolmen. They breed strife, as the Apostle writes; and the beginning of strife is, as one that openeth waters: wherefor, ere contention beginne, let us leave of, as Solomon saith. Neither is it about mere externall things, or alterable, as men speak, that the chief question is now a day; howbeit, questions, even in these matters, as is said, are warrlike to be admitted; for as that ancient Father gives out, *Facilius est constituta labefactare, quam labefactata in pristinum statum reducere*: But it is about a substantiall part of doctrine, to wit, rebuke of vice, and that manifest, open, and obstinate vice, that groweth to such great light, as it would be licentiate to lawes, with imprisonment and bondage of the liberty of the truth, as all that are not wilfully blind, may easily see; for the which truth, and liberty thereof, wee are bound to strive: Therefore, let us stand fast in that liberty, wherewith Christ, in that case, has made us free above all nations; and let us not agree with men in these things, quæ concordiam prorsus excludunt. *Nefarie quidem impieque concordies erant, qui turrim extruebant.* Nanzianzenus. And let libido novandi circa ecclesiam be far, at the left, from ourselves of the Ministry; as in sense the same Author hath. Many things hath our Kirk need of at this time, meeter to be handled, than such questions. Neither has our Prince, (God be praised,) occasion to convene us, for making agreement and concord among us, as the good Emperours had. And as for things to be reformed for the well of the Kirk, I hear no word of them. I pray, Satan's drift be not to break our agreement, that hath stood so long in Christ: For it is delivered be an ancient Father in this sense, *Nam tyranni Ecclesiam insectando, firmiorem etiam ipsam reddiderunt, &c. Quod cum versipellis ille animadvertisset, aliam fraudem excogitavit, inimicitiasque et funesta disidia inter duces (Antiflites) ipsos excitavit.* And Basil giving the cause of this plague, writeth in this sense, *Dissentio multorum contra multos ex eo contingit, quod indignos nos ipsos gubernatione et moderamine Domini constituimus.* Wherefor, brethren, let us stand fast in our Christian

liberty and unity, et ablit, ut inter nos triffi contentione (as one writes) decertemus. But if the tyme be come, that the sentence of the Apostle is to be performed, Oportet enim, etiam hærefes inter vos esse, we doubt not but, Qui probati sunt, manifesti fient inter nos. And if any æt shall pass (as God forbid) in contraire anie jote of your Christian liberty, agreeable to Gods word, and the laws of the realme, I, in my own name, and the rest of Chryfts faithfull Messengers within this realm, will stand, be Gods grace, to the protestation made verbally be me, in his Majesties presence, at the last General Assembly holden at Edinburgh: for it will not be the new cords of the Philistins, that will keep Sampson bound. Howbeit Moses would not leave behind him ne ungulam quidem, he was not for that a shismatick. And Elias was no troubler of Israel. Haec, *ἑρασμὸς μὲν ἰσως καὶ ἀμαθὺς*. Yet I trust the good brethren will take my simple meaning in good part. Farewell, good brethren: and the good Spirit of the Lord be preident among yow. Amen. From Saltpreftoun, the 8th of May 1597.

Your loving brother in Christ,

JOHN DAVIDSON.

My simple advice is, if any grant of absolving from excommunication be made, as I know no cause yet why; yet if others know, that they get annum probationis enjoyned to them before they be admitted to Court, or have access to sit at the helme: for though they have Jacobs voice, yet I fear, Esaus hands. But it is objected, that this matter will be troublesome to us, if we stand to it: Answer, It is a new doctrine to say, That Christians be without a crosse.

Sessio 4^a.

Anent the supplicatioun givin in be the Laird of Wachtoun, and Glen-nagies, desyrand a command to be givin to Mr William Murray, Minister at Dyfert, to sett in tak and assedatioun to them or thair tennents thair teyndes of thair awin lands, lyand within the parochin of Dyfert; or els, for eschewing of farder danger, to retaine the saids teinds in his awin hand: The Assemblie ordaines the said Mr William to retaine the saids

teinds in his awin hand ; difcharging him of all fetting of the fame to any perfon quhatfumevir, vnder the paines conteinit in the acts of the Generall Affemblie.

Anent the fupplicatioun givin in be the Prefbytrie of Dumbartan, defyrand, in refpect of the fewnes of thair number, that certaine of the Prefbytrie of Pailay might be adjoynit to them, to the effect they might be the more able to awaite vpon the commoun affaires, pertaining to the glory of God and weill of the Kirk : The Affemblie ordaines a commiffioun to be direct for vifitacioun of the hail Prefbyteries within the bounds of Clidsdail, Ranfrew, and Lennox, with power to them to confidder how many Prefbyteries falbe neceffar within the faids bounds, and to fett downe a folid ordour theranent.

Anent the complaint givin in be the Prefbytrie of Brechin aganis Mr Dowgall Campbell, Minifter of Fernewell, for his obftinacie in refufeing to pronounce the fentence of excommunication aganis Patrick Butter at command of the faid Prefbytrie, he being Moderatour thereof for the tyme ; for the quhilk they had fufpendit him from preiching the Word vnto this Affemblie : The Generall Affemblie ratifies and allowes the faid fufpenfioun.

Seffio 6^a.

The brethren of the Prefbyteries of Murray, Aberdeen, and Mernes, with the vther brethren joynit with them in commiffioun joyntlie, refpectivé appointit be the laft Generall Affemblie haldin at Perth, for tryall of the obedience of the Erles of Angus, Huntlie, and Erroll, to the particular injunctiouns fett downe be the faid Affemblie, and injoinit to them for declaratioun of thair repentance, being defyrit be the Generall Affemblie to report what refolutioun they fand in the faids Lords, tuiching fick articles and conditionns as were fett downe in the faid commiffioun, They being prefent befor the hail Affemblie testified and declared, that they fand them obedient and willing to fatiffie in all humble maunier, and perfevering and continuing in thair earneft fute for reconciliation with the Kirk : And as concerning the faids articles and conditionns, quhervpon the faids Commiffioners were ordainit to have tryed and refolvit them, the faids Commiffioners, every ane for thair awin parts refpectivé, produceit the faid ar-

ticles and conditiouns, with full anfuers to every ane of them particularlie fubfequent made be the faids Lords, offering to acquiefce to the faids conditiouns, and to fulfill the fame : And for more declaratioun of thair contents therto, the faids articles and anfuers therto particularly following every ane of them were fubfcriyvit feverally be the faids Lords, in figne and token of thair embracing therof, as followes :

The Erle of Huntlies anfuers to the Articles.

The firft is obeyit : For he compeirit [at Aberdeen] the 22 of Marche appointit to him, and ther abode, [waiting] on doctrine and conference, till the Commiffioners were fatisfied with his refolutioun ; and fo the conference endit.

2. The brethren appointit to deale with him, brocht him, after lang conference, to confefle [the verity of] the haill grounds of religioun affirmativé ; refolvit his doubts be the Word of God ; and moveit him with knowledge to refuse and deteft all heids of Papiftrie contrair to the fame.

3. He acknowledges the Reformit Kirk of Scotland to be the true Kirk : he is ready to joyne himfelfe efaldlie therto, acknowledging himfelfe a member therof, fubmitting himfelfe to the fame ; will heare the Word, and obey the fame be the grace of God ; participat the facraments ; and obey the haill difcipline [of the Kirk,] as it is allowit be the Kings Majeftie and Eftates.

4. He is readie to fweare and fubfcribe the Confeflioun of Faith in prefence of the haill Commiffioners, fo foone as they fall come back with power to pronounce his abfolutioun.

5. In fignificatioun of his obedience to the articles, he hes declarit to the haill commiffioners, that fen he entrit in dealing with the Kirk, he never intercommunit be word or wryte with any Jefuite, Prieft, or excommunicat Papift, except fo many as are vnder conference with the Kirk ; and is content to abyde thereat in all tymes coming : Sicklyke he is content to give his wrytin band, that he fall banifch and expell out of his [company and] haill bounds all Jefuites and Seminarie Preifts, and fall expell therefrom all excommunicat Papifts, except fuch as fall have licence from the Kirk and Kings Majeftie : and, finallie, that none fall have recept be his

knowledge, in the places of his commandement, that are profest enemies to the religioun.

6. He is content now, or heirafter, to satisfie for his apostasie, in the place appointit, at the discretioun of the saids Commissioners; and then to ratifie the forsaids premisses.

7. He declares his vnfaired greife for the slaughter of the Erle of Murray, and will satisfie the pairtie at the pleasure of the Kings Majestie, the Kirk, or of godlie and indifferent freinds, will make offers to that effect; lykeas he hes given a blank to his Majestie to be fillit vp with particular assythment, and that after his absolutioun.

8. He promifes now, or heirafter, to crave of God mercie for the said slaughter, quhen, quher, or how the Kirks Commissioners shall appoint.

9. At the desyre of the saids Commissioners, he presentlie remitts all rancour and malice conceivit be him, for any occasioun or deid offerit to him be the countreyemen in the Kings service; and promitts, vpon his fidelitie, nevir to quarrell any for the same that are within thir bounds, and speciallie none of the Ministrie either north or south.

10. He aggries, that at the sight of the Ministers Mrs David Cunighame, Alexander Dowglafs, George Gladstanes, and of his freinds Pitlurge, Clunie fall sett downe ane ordour for provisioun of his kirks, quhilk he promifes to execute immediatlie after his absolutioun.

11. Be advyce of the saids Commissioners, he promitts to take a Minister, and intertaine him in his awin houle.

12. He confesses, that be his publick offences he gave sufficient matter to the Kirk to have deduceit the sentence of excommunicatioun aganis him.

Sic subscribitur,

HUNTLEIE.

The Erle of Errolls answers to the Articles.

1. The first is obeyit: For he having sufficientlie excuseit his absence fra the first dyett, the 27 of Marche, came to Aberdein, the fyft of Aprile, quher the Commissioners appointit him to resort to Aberdein, about the 20 day of Apryle, to have conference with such of thair number as they appointit to meit him ther; quhilk he did, comeing in the towne the 20 of

Apryle, and ther abode, resorting to publick doctrine and conference till the Commissioners were satisfiéd with his resolutioun; and so the conference was endit.

2. The brethren appointit to deale with him, after long reafoning, brocht him to confesse the veritie and whole grounds of religioun affirmativé, resolvit his doubts be the Word of God, and ancient Doctours; and movit him, with knowledge, to refuse all heids of errour in Papistrie, contrair to the same.

3. He acknowledgis the reformat Kirk of Scotland to be the true Kirk. He is ready to joyne himselfe therto, and professes himselfe a member therof; will heare the Word, obey the same be the grace of God, participat the sacraments; and obey the haill discipline of the Kirk, as it is acknowledgedit presentlie be the Kings Majestie and Estates.

4. He solemnlie promifes and offers his wrytin band, that lykeas, sen his promife, and entring in conference with the Kirk, he never intercommunicat with Jesuits, Preists, or excommunicat persons, except sick as are dealing with the Kirk, swa to keip in all tymes comeing; and that he fall banisch out of his companie and bounds all Jesuites, Priests; and fall expell therfra all excommunicat Papists, except sick as fall have licence fra the Kirk and Kings Majestie; and, finallie, that none fall have receipt in his bounds that are profest enemies to the Kirk, be his knowledge.

5. He is readie to sweare and subscribe the Confession of Faith, in preface of the haill Commissioners, so soon as they fall come back from the nixt Generall Assemblée, with power to pronounce his absolutioun.

6. He is content to satisfie for his apostalie in the place appointit, and ther to ratifie the forsaids premisses.

7. At the desyre of the saids Commissioners, he presentlie remitts all rankour and malice conceivit be him, for any occasion or deid offerit to him be the countrey men in the Kings service; and promitts, vpon his fidelitie, never to quarrell any for the same, specially none of the Ministrie, south or north.

8. He aggries, that such as of the Ministrie falbe appointit, with such freinds [as he fall appoint,] sett downe quhat fall be his part for planting of the kirks within his bounds; quhilk he promifes to execute after his absolutioun.

9. Be the advyce of the Commissioners, he is content to take a Minister, and intertaine him in his house.

10. He confesses, that he gave sufficient matter to the Kirk to denunce the sentence of excommunication aganis him. Sic subscribitur,

ERROLL.

The Erle of Angus answers to the Articles.

1. He being callit befor vs, it was injoynt to him to remaine at Barras in the parochin of Kynneff, and ther awaite vpon the heiring of the doctrine in that his paroch kirk; and vpon conference at such tymes [and places] as was appointit in Conveth and Aberbuthnot kirks; quhilk he hes faithfullie keipit and observit untill his resolutioun was obteneit.

2. After we had reasonit and conferrit with him in many of the contravertit heids of religioun, be the Scriptures, and ancient Doctours, he satisfie vs affirmativé and negativé.

3. He acknowledgit the Kirk of Scotland to be the true Kirk, and is ready to joyne himselfe therto, and professe him to be a member thereof, will heare the Word, participat the sacraments, and obey the haille discipline of the Kirk, as it is allowit presentlie be his Majestie and Estates.

4. He solemnlie promifes be his word and wrytin band, to remove soorth of his haille companie and bounds, Jesuites and excommunicat persons; lykeas he hes done since the Commissioners nominat thir articles to him.

5. He defyres the Commissioners to get a power to absolve him, and immediately thereafter, he sall sweare and subscribe the Confessioun of Faith.

6. He is content to satisfie for his apostalie in his awin paroch kirk, and ther to ratifie his forsaide promifes.

7. He vnderstands none of the countrey to have incurrit his wrath or deadly feid for persewing him in his Majesties service, quhilk he protests befor God; that he never meant to harme any man for giving obedience to his Majesties lawis, quhilk if he had done, he sould rather have made mends nor [have] forgivin; and if any in particular will complaine, he will satisfie this article, albeit, in very trueth, as all the countrey knowis, he hes sustained great los, quhilk he hes the Kirk to meane, in most humble manner, to his Majestie, as the Commissioners will declare at more length.

8. He is content at the sight of the Commissioners, and his best advysit freinds, to provyde stipends for his kirks, how soone he salbe absolvit and restoreit to his living.

9. He will most willingly take a Minister and intertaine him at his awin house, be the advyce of the Commissioners.

10. He confesses, that he deserved to be excommunicat.

Sic subscribitur,
ANGUS.

The quhilk report made be the saids Commissioners, in discharging of thair forsaid commissioun, the Generall Assemblie presentlie conveyit, ratifies and allowis, as aggreeable and anfuerable to the ordinance of the last Assemblie, holdin at Perth, in all poynts: and therfor ordaines the saids Commissioners respectivé, to proceed farther with the saids Erles in the said matter, and to receive a satisfactioun of sick things as are promised be them in the saids conditionns, and to crave the present accomplishment therof, so farre as possiblie can be done. They are to say,

That as they, in thair ansuer, hes allowit and subscryvit, sa that they presentlie confesse the veritie of the haill grounds of our religioun affirmativé; and with some measure of knowledge, refuse and detest all heids of Papistrie, contrair to the same.

That they acknowledge the Reformit Kirk of Scotland to be the true Kirk; that they effaldlie joyne themselves, and acknowledge themselves members therof, submitting them to the same; and salbe readie, at all occasiouns, to heare the Word, and obey the same, participat the sacraments, and obey the haill discipline of the Kirk, as it is allowit be his Majestie and Estates.

That, befor thair absolutioun, they sweare solemnlie and subscribe the Confessioun of the Faith, in presence of the haill Commissioners.

That as they have testified be thair writt, even so be thair band they promise to remove out of thair companie, in all tyme comeing, all Jesuites, Preists, and excommunicat Papists, except sick as salbe licentiat be the Kirk

That, at the time of thair absolutioun, they satisfie in most humble manner in the kirks of Aberdein and for thair former apostasie, and ther ratifie these thair promises in most solemne manner.

That the Erle of Huntlie, befor his absolutioun, ask God mercie for the Erle of Murrays slaughter, and declare his penitence for the same.

And because thair Lordships hes promised never to quarrell any Gentlemen of the countrey, that hes persewit or vtherwayes troublēt them, and

therby incurrit thair wrath in his Majesties service, and at his Hienes commandement : Therfor, to the effect the fruites therof may more evidently appeir, that thair Lordships faithfullie promise, that lykeas thair sonnes hes already obtainit, or at the leift is to obtaine of his Majestie, of frie grace and meere donatioun, the gift of thair foirfaultries ; evin so the gentlemen in the countrey, that are vassalls to them, and hes incurrit the lyke [sentence of] foirfaltour, and perrillit thair lands, not through thair awin evill demerit, bot be reason they were vassalls to them, may receive and obtaine of thair Lordships, the lyke grace as is impairtit vnto them be thair Sovereigne : and as his Majestie grantit a benefite to them, who had offendit, evin so thair Lordships vassalls be not trublit for any composition of thair lands, quhilk, not be thair fault, bot throw thair Lordships failzie, were in dangerit and holdin in none entrie ; and that thair Lordships renew the promise of remitting all rancour and malice of heart against the said gentlemen.

And as to the provisioun of Kirks quhilk pertaines to [ilk ane of] the said Erles respectivè, that [they, at] the advyce of thair best affectionat freinds and the saids Commissioners, sett downe ane solid ordour, how the Ministrie may be plantit and honestlie sustaint at the same ; quhilk they fall ratifie and approve, and put in executioun immediatelie after thair absolution.

That, be the advyce of the Commissioners, they make choise of a Minister, quho salbe intertainit in thair houle for instructing of the same.

That they renew the confessioun of thair sins, acknowledging that they were justlie excommunicat for the same.

And to the effect that all slander may be removit from the Erle of Huntlie, and speciallie that quhilk did arise vpon the slaughter of Mr William Mure, quhilk was committit dureing his Lordships remaining in Aberdein, that his Lordship provyde sick remeid, that the poore woman, mother to the said Mr William, may be satisfied ; and sick assythment made, alswell for him as her husbands slaughter, as the Commissioners fall think expedient.

With power to the saids Commissioners, after the accomplishment of the premisses, to absolve the saids Erles from the sentence of excommunicatioun, and receive them again in the bosome of the Kirk.

Sessio 7^a. 14 Maij.

Anent the Articles givin in be his Majestie in the last Assemblie haldin at Perth, the decisioun and answering quherof was referrit be the said Assemblie, to be reasonit and intreatit be certaine Commissioners, and thereafter to be concludit in this Assemblie ; and anent the declaratioun of certaine acts made in the said Assemblie haldin at Perth, for satisfactioun of such as were not present at that tyme, nor acquaintit therwith : The saids articles and questions being reasonit and vottit in face of the haill Assemblie, his Majestie being present for the tyme, these declaratiouns and conclusiouns after following were lett downe and concludit be the said Assemblie, as followis.

Notes in forme of declaratioun of certaine of the Acts made in the Generall Assemblie haldin at Perth in Februar last by past, for explaining of his Majesties and the Assemblies meaning, for the satisfactioun of such as then were not acquaint therwith : quhilk are ordainit to be regisrat in the Acts of this present Assemblie.

First, Anent the lawfulness of the said Assemblie haldin at Perth : It is declairit be this present Assemblie, that one of the reasons moving the brethren to acknowledge the lawfulness of the said Assemblie, was found to have bein, that the Commissioners of the Kirk accordit with his Majestie theranent, as is expresse sett doune in his Majesties letter.

Item, The reason moving the Assembly to grant the more willinglie to the 2 Article concerning the reproving of his Majesties laws, was this ; his Majesties earnest and constant affectioun to the religioun, and obedience to the Word, was evidentlie knawin to the haill Assemblie ; and that it was his Majesties declarit will and intentioun, alwayes to frame his laws and whole government according to the same ; for the quhilk causes the Assemblie aggried to the said article.

Anent the Article ordaining that no mans name be exprest in pulpitt, except in notorious crymes, &c. : The point of notoriety is farther defyned, [If the cryme] be so manifest and knowin to the world, ut nulla tergiversatione celari possit.

Anent the Article ordaining, that no conventioun of Pastours be without

his Majesties knowledge and consent : His Majesties consent is declarit to be extendit to all and quhatsoever forme either of Generall [Assemblée,] or speciall Synodall, permittit and authorizit be his Hienes lawis, according as they have warrand in the Word of God, as being the most authentick forme of consent that any king can give.

Anent the Article concerning provisioun of Pastours to burrowes : It is declarit that the reason therof was and is, that his Majestie was content, and promised, that quher the Generall Assemblée finds it necessar to place any person or persons in any of the saids townes, his Majestie and the flock shall either give thair consent therto ; or els a sufficient reason of the refusall to be proponit either to the haill Assemblée, or to a competent number of the Commissioners therof, as his Majestie shall think expedient.

Ansuers to the rest of his Majesties Questionns, according as they were proponit be his Hienes and his Commissioners in the present Assemblée.

First, Anent the propositioun movit be his Majestie to the Assemblée, craving that befor the conclusioun of any weightie matters concerning the estate of his Hienes or of his subiects, his Majesties advyce and approbatioun be cravit therto, that the same being approvit be his Majestie, may have the better executioun, and, if neid beis, be authorizit be his Hienes lawis : The Assemblée craves most humbly, that his Majestie, either be himselfe or his Hienes Commissioners, in matters concerning his Majesties estate, or the haill estate of his subiects, and vthers of great wecht and importance, that hes not bein treattit of before, wald give his advyce and approbatioun therto, before any finall conclusioun of the same : and, for the better obedience to be given to such lyke statutes in all tyme comeing, that his Majestie wald ratifie the same, either be act of his Hienes Parliament, or Secret Counsell, as false thocht neidfull : The quhilk his Majestie promised to doe, according to his Hienes propositioun, quhilk was acceptit and allowit of the haill Assemblée.

The Assemblée ordaines, that there be ane vniformitie in the ordinatioun of the Ministrie throughout the haill countrey, impositioun of hands ; and that they be admittit to certaine flocks, vpon the quhilk they shalbe astricted to attend, according to the Acts of the Assemblies made of befor ; and ordaines that none, that are admittit to the Ministrie, be promovit to teach

in publick and great rowmes, except vpon very vrgent necessitie, in defect of actuall Ministers, they be ordainit to supply sick wants be the Presbyteries, Synodall or Generall Assemblies, quho fall tak diligent ordour that they keip themselves within the bounds of thair gift, and speciallie in application.

That no Pastour exercise any iurisdiction, either in making of constitutions, or leading of processe, without the advyce and concurrence of Sessiou, Presbytrie, Provinciaill or Generall Assemblie.

That all Sessiouns be electit with consent of thair awin congregatiouns.

That all Sessiouns, Presbyteries, and Provinciaills, vse sick forme in all thair processe as may be found lafull and formall, and able to abyde tryall; the quhilkis falbe registrat in matters of importance: and, to that effect, ordaines the proceedinges of privat Sessiouns to be sightit at Presbyteries; and the proceedinges of Presbyteries at Provinciaill Assemblies; and the proceedinges of the Provinciaill at Generall Assemblies.

The Assemblie ordaines, that in the exercises, quhen the Ministers are conveinit at thair Presbyteries, no application be vsed.

That in the determinatioun of matters of importance, quher the vottis falbe only different [vpon] two or thrie, that nothing be concludit therin till better resolution; and that, in such difference, he that gives the negative with his vote, fall give *rationem negandi*.

The Assemblie ordaines the Presbyteries to meddle with nothing in thair judicatur, quhilk fall not be found, but contraverfie, proper to the Ecclesiastick judgement; and that heirin ane vniformitie be keipit throughout the haill countrey.

That all processe and acts be extractit to parties having interefs, quher is ane wrytin processe.

The Assemblie superseids to ansuer the article tuiching summar excommunication quhill the next Generall Assemblie; and in the meane tyme suspends all summar excommunication: alwayes, in great crymes, the Assemblie ordaines a publiēt intimatioun therof to be made, and the committer therof to be suspedit a sacris, and prohibited a privato convictu.

If any Presbytrie falbe desyrit be his Majesties mislive to stay the proceeding of any thing prejudiciall to the civill iurisdiction or privat mens rights, It is ordainit, that the said Presbytrie fall desist in the said matter, vntill they send to his Majestie for satisfactioun theranent.

Sessio 8^a 16 Maij.

Because fundrie scandals rises, through the diffordour of reidears, be baptizing of bairnes gottin in adulterie and fornicatioun, befor satisfactioun made by the offenders; and celebrating of vnlawfull marriages: The Assemblie statutes and ordaines, that no Reidar minister the sacrament of baptisme in any way, in all tymes coming; and that they presume not to celebrate the bands of marriage without speciall command of the Minister of the Kirk; and in case ther be no Minister therat, of the Presbytrie, had to that effect: and ordaines every Presbytrie to cause this act to be intimat at every paroch kirk, that none pretend ignorance heirof in any tyme coming.

Sessio 9^a 16 Maij.

The quhilk day, in presence of the haill Assemblie, the Kings Majestie being personally present, declarit, that [seeing,] through the shortnes of tyme, ther were fundrie matters of weght and importance, not only concerning particular flocks, bot quhilk did in speciall twich the haill estate and body of the Kirk, quhilk could not be commodioulle intreatit and concludit in this present Assemblie; as namelie, twitching both the planting of particular congregatiouns and of the haill kirks within this realme, quhilks as yet, through the default of honest intertainment, remaine vnplantit and destitute of the comfort of the Word; and anent ane solid ordour to be takin anent a constant and perpetuall provisioun for the sustentatioun of the haill Ministrie within this realme, to the end they be not, as in tymes bygane, to depend and awaite vpon the Commillioners appointit for modifying of their stipends, and so be forcit to absent themselves the most part of the zeir from thair flock, to the great disgrace of thair calling, dishearting of thair congregatioun, and discontentment of his Majestie, whose care ever hes bein, and earnest desyre continues as yet, that every congregatioun have a speciall Pastour honestly sustaint, for the better awaiting on his cure, and dischargeing of his duetiefull office in the same: and therfor his Majestie desyrit the brethren to consider, whither it were expedient that ane generall commissioun shuld be grantit to certaine of the most wyse and discreit of the brethren, to conveine with his Majestie for

effectuating of the premisses : The quhilk his Majesties advyce the Assemblie thinks very necessar and expedient ; and therefor hes given and grantit, lykeas, be the tenour heirof, they give thair full power and commissioun to the brethren vnderwrytin, viz. Mrs Alexander Dowglas, James Nicolfone, George Glaidstaines, Thomas Buchannan, Robert Rollock, Robert Pont, David Lindsay, Patrick Galloway, Johne Duncanfone, Patrick Sharp, Johne Porterfeld, James Melvill, William Couper, and Johne Clappertoun, or any fevin of them, to convene with his Majestie, betuixt the day of thir presents and the last of May instant, [with power to them] to take solid ordour anent the provioun of Ministers to the townes of Edinburgh, Dundie and Sanct Androes, his Majesties and the Princes houses ; to give thair advyce and opinioun to his Majestie, anent the planting of every particular kirk within this realme ; to make such overture as they can best devyse twiching the constant platt ; and generally to give thair advyce to his Majestie in all affaires concerning the weill of the Kirk, and intertainment of peace and obedience to his Majestie within this realme : with expresse power and command to the saids Commillioners to propone to his Majestie the petitionous and greives, asweill of the Kirk in generall, as of every member therof in particular, promitten de rato.

Anent the supplicatioun givin in be Mr John Rutherfurd, makand mention, that quher in the Generall Assemblie last bypast baldin at Perth, he gave in ane supplicatioun, quherin he desyrit the proces of deprivation [led and] deduceit aganis him be the Presbytrie of Sanct Androes, to be producit before the said Assemblie, to the effect the same might be tryit, and the proceedings thereof examin it be them, the quhilk was referrit be them at that tyme to this present Assemblie, ordaining the said Presbytrie of Sanct Androes to produce the said proces befor this present Assemblie, and to answer to the complaint givin in be the said complainer, desyrand therefor the brethren of the Presbytrie of Sanct Androes to be callit for production of the said proces, to the effect the samein might be sein and considerit be this present Assemblie, according to the ordinance made at Perth, as said is : The Generall Assemblie, in respect of shortnes of tyme, remits the said complainer and his supplicatioun to the Commillioners appointed to convene with his Majestie at Edinburgh, and ordaines the Presbytrie of Sanct Androes to produce the said processe befor the saids Commillioners, and the answer to the said complainers supplicatioun in all points ; with power to the saids Commillioners, or any fevin of them, to

take full tryall, cognitioun, and finallie to conclude in the said matter, promitten de rato.

Sessio vltima. 17 Maij.

Anent the supplicatioun givin in be James Wood, appeirand of Bonytoun, makand mentioun, that, according to the directioun of the last Affemblie haldin at Perth, he had attendit vpon the Commillioners appointit be the said Affemblie, and had aggried, be thair conference, in many heids of religioun with them; desyreand therfor, as he is willing to persevere in conference with the saids Commillioners to his finall resolutioun, that a commioun may be grantit to the brethren appointit for dealing with the Erles of Huntlie and Errol, to continue in conference with the said complainer; and in cace they find him resolvit, to absolve him from the sentence of excommunicatioun, and receive him again in the bosome of the Kirk: as also that the Commillioners of Angus appointit for the said purpose, may have a speciall command to intreat with the said complainers father, for appealing his wrath towards him, in respect he is content to submitt himselfe most humble to his said father, or to the Kirk, for satisfactioun of any eyelists that he or they hes found in him in tymes bypast: The Affemblie gives full power and commioun to the brethren appointit for receiving the Erles of Huntlie and Erroll, to enter in farther conference and tryall with James Wood, appeirand of Bonytoun: and in cace of full satisfactioun to be made be him to the saids Commillioners, in such heids and articles quherin he hes not as yet satisfied, the Affemblie gives vnto them power to absolve him from the sentence of excommunicatioun, and receive him againe within the bosome of the Kirk. Attour, the Affemblie ordaines Mrs George Gladstanes, Andro Mylne, Andro Leich, Johne Ramfay, and Andro Lamb, to deale with the Laird of Bonytoun, and travell in the reconciliatioun desyrit and satisfactioun offerit be the said complainer his sonne.

Anent the supplicatioun given in be Mr William Murray, Minister at Dyfart, making mentioun, that quher he hes livit vpon the duetie of the tak of the Personage thir diverse zeirs bygane, being only thrie hundreth merks, and sustaineth great charges therevpon; and now seing the saids taks are outrunne, and he is informit that diverse supplicatiouns are givin

in be the gentlemen of the said parochin, craveand the said complainer [to be aftri&ed] to sett them taks of thair awin teinds respectiv& ; defyre-and therfor not to aftri& the said complainer to any particular perfons, bot to give him power to sett taks to lick as fall doe most commodiouse for the weill of the Kirk : The Assemblie gives power to the said complainer to sett in tak the teinds of the Personage of Dyfart, except of the lands pertaining to the Laids of Glennagies and Wachtoun, reservit be ane vther act of this Assemblie, with advyce and consent of the Presbytrie of Kirk-caldie, and of the brethren after following, viz. Mrs Thomas Buchannan, William Cranstoun, James Melvill, Robert Wilkie, David Fergusone, and Johne Fairfull ; vnto the quhilks the Assemblie remits the supplicatioun of such as craves tackis of the teinds of the said Personage.

Anent the Erle of Craufurds request, defyreand licence to a person of Inneraritie to sett a tack of the teinds therof, in case it be found be the civill Judge that he hes best right therto : The Generall Assemblie gives power to the Commissioners appointit to conveye in Edenburgh with his Majestie, to give power to the person that salbe presentit, to sett taks of the teinds controvertit to either my Lord Craufurd, or the Laird Purie Fotheringham, that salbe found be civill magistrate to have best right to the same.

Thanks being given to God, the brethren ordaines the next Assemblie to be haldin at Striveling, the first Tuesday of May 1598.

Here followeth the tenour of a Millive sent by the Commissioners of the General Assembly to the Presbyteries.

[Grace and peace from God the Father of our Lord Jesus Christ.

Beloved brethren, as we have found continuance of mercy in staying the desolation, which was already begun, according to many threatenings against the contempt of this land ; so wee see, through the lack of due consideration and foresight in such as principally should have the most tender care of this work, and partly through the subtle wayes of dissembling friends, good occasions are likely to be turned to our hurt, unless remed

be wifely provided in tyme : For this caufe wee have thought it needfull, and be confent of his Majestie concluded, that the General Affembly, which was ordained to be in May, should hold the first Tuesday of March next at Dundie, for preventing of inconveniences, that delay of tyme might draw to further evil, and for taking of solid resolution in such things as are necessary to be deliberat upon, concerning the Kirks vote in Parliament, and some other necessary points ; whereanent, for your better information, wee have thought expedient to acquaint you with the effect of our travells here at this tyme.

According as it has been the continual custome of the Kirk at Parliaments to crave such things as were found necessary to pass in lawes for their well and priviledges ; so with advice of diverse Commissioners of Presbyteries, wee found it requisite to insist in such articles as have been craved be the Kirk at Parliaments in tymes bypast ; and namely wee urged the article anent the Kirks vote in Parliament, and the article anent the universal provision of the whole Kirk with stipends. In both wee found great opposition be the far greatest part of the Lords : but the Kings Majestie conveyed our suits with such wisdom and dexterity in our favours, that in end, after many hard answers, his Majestie procured, that he might dispoise the whole great benefices to Ministers ; and that such Ministers as should be admitted thereto, should have vote, but prejudice alwayes to the present discipline and jurisdiction of the Kirk in any point ; as ye will understand be the act itself, whereof we have sent you here a copy, which his Majestie thinks shall be a mean, in short tyme, to vindicate the Ministry from their present contempt and poverty ; and this is already perceived be many to their grief, who fear their hurt in our credit. For this caufe we have been earnestly requested by sundry of the wisest of all Estates, who most favour the good caufe, that without scruple we should accept this good occasion. The which point of present acceptation was urged be the Lords so straitly, that unless we wold give our consent thereto presently, in name of the Kirk, they wold not suffer the foresaid act to pass in our favours ; yet his Majestie was so favourable towards us, and so carefull to save our credit, and eschew offence, that, be his moyen, all is reserved free to this Assembly for our part : Therefore we beseech you, Brethren, to have a regard hereof with such wisdom and care as is necessary in a matter of so great importance, and send in commission to the said Assembly, the most wise, grave, and of best credit and experience among you, so far as

infirmity and age may suffer; that good occasion may be used at this tyme, as that the good may be taken without any hurt, so far as is possible.

Anent the Platt and proviſion of ſtipends at every Kirk, commiſſion is given to a number of Lords and Miniſters, who are to eſſay that work with all diligence, and to crave your farther help in the information anent the eſtate of the kirks: which therefore ye ſhall take paines to have in readineſs, as ye ſhall be required upon the next advertiſement.

The Lord direct you in all ſincerity and wiſdom, that ye may find a bleſſing upon your labours alwayes.

From Edinburgh the 22 day of December 1597.

Your Brethren and fellow labourers, the Commiſſioners of the General Aſſembly, and in their name and command Mr Robert Rollock, Moderator of the General Aſſembly. C.]

Tenour of the Act of Parliament.

In Parlamento apud Edinburgh, 13^{tio} Decembris A. D. MDXCVII.

Our Soverain Lord, and his Hienefſe Eſtates in Parliament, havand ſpeciall conſideration and regairde of the great priviledges and immunities granted bee his Hienefſe predeceſſoures of maiſt worthie memorie to the halie Kirk within this realme; and to the ſpeciall perſones exercing the offices, titles, and dignities of Prelacies within the ſamin: quhilkis perſones hes ever repreſented ane of the Eſtates of this realme, in all Conventions of the ſaidis Eſtates; and that the ſaidis priviledges and freedoms hes bene from time to time renewed and conſerved in the ſame integritie and condition, quhairin they were at any time of before; ſwa that his Maieſtie acknowledging the ſamin now to be fallen, and becummin vnder his Maieſties maiſt favourable proteccion: Therefore his Maieſtie, of his greate zeale, and ſingular affection, quhilk hee alwaies hes to the advancement of the trew religion preſentlie profeſſed within this realme, with adviſe and conſent of his Hienefſe Eſtates, ſtatutis, decernis, and declaris, that the Kirk within this realme, quhairin the ſamin religion is profeſſed, is the trew and halie Kirk; and that ſick Paſtoures and Miniſters within the ſamin, as at any time his Maieſtie ſhall pleaſe to provide to the office, place, title, and dignitie of ane Biſhop, Abbot, or vther Prelate, ſhall at all time hereafter

haue vote in Parliament, fliklike and als freele as ony vther Ecclesiasticall Prelate had at ony time bygane : And als declaris, that all and quhatsum-
ever Bifhopprickes prefentlie vaikand in his Hienesse handes, quhilkis as
git ar vndifponed to ony perfon, or quhilkis fall happen at ony time here-
after to vaik, falbe onelie difponed be his Majestie to aetual Preachers and
Minifters in the Kirk ; or to fik vthers perfones as falbe foundin apt and
qualified to vse and exercife the office and function of ane Minifter and
Preacher ; and quha in their provifiones to the faid Bifhopprickes, fal accept
in and vpon them to be aetual Pastoures and Minifters ; and according
therto fall praetize and exerce the famin thereafter.

Item, As concerning the office of the faidis perfones to be provided to
the faidis Bifhoppricks in their spirituall policie and gouvernement in the
Kirk, the Estaites of Parliament hes remitted, and remittis the famin to the
Kingis Majestie, to be advifed, confulted, and agreed vpon be his Hienesse
with the General Affembly of the Minifters, at fik times as his Majestie
fall thinke expedient to treat with them thereupon ; but prejudice alwaies
in the meane time of the iurisdiction and discipline of the Kirk established
be aetes of Parliament, maid in onie time preceeding, and permitted be the
faidis aets to all Generall and Provincial Affemblies, and vthers quhatsum-
ever Presbyteries and Sefliones of the Kirk.

A. D. M.D.XCVII.

The Generall Affemblie of the Kirk of Scotland, haldin at Dundie the 7 day of Marche 1597. In the quhilk were conveyit the Kings Majestie and Commissioners from all Shyres and Townes of the countrey.

Sessio 1^a 7 Martij. Post meridiem.

Exhortatioun beeand made be Mr Robert Rollock, Moderatour of the last Affemblie, ther was appointit vpon the leits, Mrs Patrick Simfone, David Fergusone, Peter Blackburne, James Robertfone, and Robert Wilkie; and be the pluralitie of votes, Mr Peter Blackburne was electit Moderatour hac vice.

Sessio 2^a 8 Martij.

Anent the Commissioun given to certain brethren of the North, for the absolving of the Erles of Angus, Huntlie, and Erroll, from the sentence of excommunicatioun: The Affemblie ordaines Mr Peter Blackburne, in name of the rest, to give in in wryte, the baill forme of thair absolutioun, and satisfactioun to the articles injoynd to them in the last Affemblie, to the effect the same may be registrat in the Bookes of the Affemblie.

Sessio 3^a. Eodem die.

Because there is no accompt tane of the acts of every Provinciall Assemblie; therefore it is statute and ordainit, that, in all tymes coming, every Provinciall Assemblie within this realme send the acts of their Synod made sen the Generall Assemblie immediatlie preceeding, with their Commissioners direct be them to the next Generall Assemblie, to the effect the brethren of the Generall Assemblie may take tryall and cognitioun, that the proceedinges of every Synod be done decenter et ordine, and so allow or disallow of them as they [shall] think meitt; and this ordour to begin at the nixt Generall Assemblie.

Item, Because it was meinit be some of the brethren, and found fault with, that such as vses to be appointit Commissioners from the Synodalls to the General Assemblie, but any reasonable cause, refuse to obey and accept thair commissioun, quherthrow it falls out oftentymes, that at the Generall Assemblie ther inlakes Commissioners from some Synods: Heirfor it is statute and ordainit, that every Synod shall choose out them that falbe thocht most meit to come as Commissioners to the Generall Assemblie, who shall remaine to the last day of the Assemblie inclusivé: and to the effect they may pretend no reasonable cause in the contrair, and speciallie of povertie, therefor it is statute and ordainit, that in cace the Commissioners that are chosen may not commodiouse awaite vpon the Assemblie vpon thair awin expensis, then and in that cace, the rest of the quhilk number he is chosin shall contribute to his expensis, according to the abilitie of thair livings, vnder the paine of the tinfell of the tenth part of thair stipends; quhilk Commissioners beand sa furnischt be ane commoun contributioun, as said is, he shall repaire to the Generall Assemblie, and remaine vnto the finall end therof, vnder the paine of the tinfell of the tenth part of his awin stipend: And in cace either the Commissioner or the brethren of his Synodall, through not obeying every ane thair proceffe of the premisses respectivé, incurring the danger of the penalties above rehearfit, and get refusing to make payment of the saids penalties, viz. of the tenth part of thair stipends, then and in that cace, they shall be suspendit from thair calling and functioun, ay and quhill they satisfie the same.

Anent the summonds railit at the instance of the Synodall of Fyffe against Andro Arnot, Minister of Scotlandwell, craveand the said Andro,

conforme to his promife, to mak provifioun for the kirk of Auchtermoonfie, ane of the kirks of the faid Miniſtrie : The faid Andro being callit, compeirit and declarit, that he promifed to make fufficient provifioun for the faid kirk, provyding alwayes he were refolvit of the payment of his thrid, quhilk he payes prefentlie to Mr Robert Inchaw ; quhilk promife he prefentlie ratified, and band himfelfe to make provifioun for the faid kirk of Auchtermoonfie immediatly after the diffolving of the Affembly, he being releivit of the payment of the thrid, as faid is.

Seffio 4^a. 9 Martij.

[The Synod of Lothian gave in their grieves againſt the Commiſſioners of the Generall Affembly, whereupon was made this ordinance following. C.]

The Commiſſioners appointit in the laſt Generall Affembly for planting of the townes of Edenburgh, Dundie, and Sanct Androes, and luch vther affaires, as at mair lenth is conteinit in the faid commiſſioun, and callit to give ane accompt of fick things as had bein done be them be vertue of their commiſſioun forſaid, Mr James Nicollſone, in name of the reſt, producit a booke containing a whole regiſter of their whole proceſs and proceedings ſince the acceptatioun of the faid commiſſioun, quhilk was publickly red in prefence and audience of the haill Affembly : And becauſe ther was ſome of the brethren that thocht themſelves greivit at certaine of their proceedings, therfor it was thocht expedient that the brethren after following ſould cognofce vpon the faids greives and Commiſſioners anſuers therto, quhilk both ſould be givin in in one wryte befor them, and therafter report to the haill Affembly quhat they fand therein : They are to ſay, Mrs George Monro, James Dundas, Robert Howie, Duncane Davidſone, William Dowglas, Andro Mylne, Andro Lamb, James Robertſone, William Rynd, Archibald Moncreiff, Alexander Lindſay, David Ferguſone, William Cranſoun, David Spence, Robert Wilkie, John Knox, Gawin Hamiltoun, Johne Hall, Johne Spotiſwood, Patrick Symfone, Robert Darroch, Harie Levingſoun, David Barclay, Hew Fullertoun, and Johne Welfch.

Greives to be proponit to his Majestie.

Firſt, To crave of his Majestie ane releife of this present taxation to sick of the Ministrie as possesse small benefices within iij^e marks, seing they are not able to be sustaint vpon the same.

2. To crave in generall for the hail ministrie, that they be not troublit with the taxation in no tyme coming ; bot that the officers that ingathers the same, charge the taksmen immediatlie quho are bund to releive the Ministrie of their taxation ; becauſe so long as the Ministers charges thair taksmen, not only it averts them from thair calling, but also breids a grudge betuixt them and thair parochiners.

3. To crave a redresse of the abuse of the buriall, that ane act of Parliament may be made, discharging burialls in kirks.

4. To crave ane redresse anent adulterous marriages, quher two persons, both divorcit for adulterie committit either with vther, craves the benefite of the Kirk to be joynit in marriage.

5. To crave his Majestie, quhat ordour falbe tane anent the relaxatioun of such murtherers from excommunicatioun as are already relaxit from the horne, and yet hes not satisfied the partie, quhilk is a token of no penitencie.

6. To advyce with his Majestie, if the carieing of profest witches from towne to towne, to try witchcraft in vthers, be lafull ordinar tryall of witchcraft, or nocht.

7. Anent the laik patronages : To lament unto his Majestie the great abuse quhilk the late act of Parliament hes brocht in giving licence to the patrone to possesse the fruits of the benefice, in case he present a qualified man, and the same be not admitted be the Kirk ; vnder colour quherof they vse to present ane qualified man to the Presbytrie, and hes him sworne to sett back a tack of the fruites of the benefice to the patrone : quervpon, albeit the person presentit be qualified, yet the Kirk cannot admitt him, in respect of the impediment so laid, quherthrow both the patrone vplifts [the fruites of] the benefice, and the Kirk lyes desitute ; therfor to crave redresse of the same.

Sessio 5^a. Eodem die.

Anent the greives givin in to his Majestie befor noone, his Majestie being present gave his ansueris as followes :

To the first and second : His Majestie desyrit the Commissioners to be deput from this Assemblie, to give in ane supplicatioun to the Counsell, anent the same, quhervnto his Majestie sould hold hand ; and in the mean tyme promised to cause flay all farther executioun against sikk of the Ministrie as were at the Assemblie presentlie, quhill the 15 of Apryle nixt to come.

Anent burials : His Majestie thocht good that ane supplicatioun should be givin in to the nixt Parliament, craveand that, for avoyding of burials in kirks, every Nobleman sould bigge a sepulture for himfelse and his awin familie.

Anent adulterous marriages : His Majestie thocht good that ane supplicatioun sould be givin in to the nixt Parliament, craveand such marriages to be declairit null in all tyme comeing, and the bairnes gottin therin to be ballards.

Anent murtherers : His Majestie declared, quhen any murtherer is relaxit from the horne, upon caution to vnderly the law, that he is not, therfor, simpliciter relaxit, bot to ane day to abyde tryall of his fault ; and therfor thinks that the Kirk may continue in thair censures aganis such a person, and deny him any benefite of the Kirk, vntill they sie evident tokins of repentance in him, the partie be satisfied, and thervpon ane full remissioun obtainit.

Anent tryall of witchcraft : His Majestie declared, that, be ane act of the last Parliament, it is remittit to certaine of his Hienes Counsell, certaine Ministers and Advocates, to conclude vpon [a solid order] anent tryall of witches, and to advyce whither the forsaid carieing of witches is permissive, [or not.]

Tuiching the quhilk, the Assemblie ordainit Mr Patrick Galloway and Johnne Duncanfone to hald his Majestie in remembrance.

Anent the abuse of laik patronages : His Majestie thocht good lykewayes, that ane supplicatioun sould be givin in to the nixt Parliament for redressing of the same.

Because it was reportit in the Assemblie, that albeit fundrie persons were

convict of witchcraft, nevertheles, the civill Magistrat not only refusit to punish them, conforme to the lawes of the countrey, bot also, in contempt of the samein, settis the persons at libertie, quhilk were convict of witchcraft : Therfor the Assemblie ordaines that, in all tyme coming, the Presbytrie proceid in all severitie with thair censures aganis [all] such Magistrats as fall set at libertie any person convict of witchcraft heirafter.

Item, Because diverse persons, with ane preposterous haste, hes proceidit to the band of Matrimonie, without any lausfull proclamatioun of thair bands, quherthrow the ordinances of the Kirk are hielie contemnit : Therfor it is statute and ordainit, that no persons be couplit together in marriage, without they be thryfe lausfullie proclaimit at thair awin paroch kirk, according to the consuetude observit within this realme : and in cace of contraveining of the same, that the Minister be depryvit of his office ; and the parties ordainit to satisfie the Kirk be public repentance.

Anent burials : It is ordainit, that no pictures or images be caried about in burials, vnder the paine of the censures of the Kirk.

Item, Because it was regratit, that because certaine of the Ministrie being beneficet persons, hes sett taks and assedatiouns of the fruits of thair benefice, and therafter hes obtainit licence of transportatioun from thair kirk, so that the same, be reasone of the taks set be them, remains continuallie vuplantit for lake of provisioun : Therfor it is statute and ordainit, that, in tyme comeing, no Minister get licence of transportatioun from his Kirk, befor it be tryed, that he hes not hurt the benefice, from quhilk he wald be transportit, be setting tacks of the fruits of the same ; and if the tacks, that were sett befor his entrie to the said benefice, expyrit in his tyme, that he hes renewit no auld tack, but consent of the Generall Assemblie, and melioratioun of his benefice.

Item, Because for lake of moyen, fundrie of the Ministers hes not as git obtainit the designatioun of their manfes and gleibes, Therfor it is ordainit, that everie Minister, that is not git possess with his manse and gleib, obtaine possessioun of the same, betuixt and the nixt Assemblie : And in cace the person, in whose favours the delignatioun is grantit, be not able, throw povertie, to awaite vpon the law for [obtaining] possessioun of the same, that the rest of the brethren of his Presbytrie concurre and help him with expensses for obtaining of the same.

Sessio 6^a. 10 Martij. .

Anent the proceedings of the Commissioners appointit in the last Generall Assemblie, quhilk they did anent the planting of the Ministrie of Sanct Androes, and anent the examinatioun of the depolitioun of Mr Johne Rutherford: The Assemblie ratifies, allowis, and approves thair proceedings therin.

And farther ordaines, for reasonable causes moving [them,] Mr Robert Wallace to be relaxit from the sentence of suspensioun from his Ministrie, pronuncit in thair decret against him, he satisfieand my Lord of Menmure, be the advyce of Mrs David Lindsay, Robert Bruce, and Robert Rollock, to the effect he may be placit to serve in sick parts, quher the Kirk fall think his travells to be best imployit.

As concerning Mr Johne Rutherfurds procefs, and the rest of the things done in Sanct Androes be the laids Commissioners: Mrs David Black, Johne Carmichael, Robert Durie, Alexander Forfythe, and the rest of the brethren of the Presbytrie of Sanct Androes that were ther present, after reasoning of such things quherof they had not bein of before resolved, declared themselves satisfieed therin.

Because it was reportit be the Commissioners of the Generall Assemblie, that the constant Platt for planting of every particular kirk, was hindred be the taksmen who hes the baill teinds in thair hands, and refuseth to condescend to any substantiall ordour anent the planting of the Ministrie, without some securitie were made vnto them anent the rest of thair teinds: Therfor the Assemblie thocht good to consider quhat be the conditions cravit be thair taksmen, in cace of augmentatioun of the duetie of thair tacks for sustentatioun of the Ministrie: To the quhilk it was ansuerit be the vilitours of Murray and Aberdeine, that the taxmen defyrit ane perpetuities of thair tacks, be renewing therof at thair outruning without greiffom: [Mernes offered presently to augment in victual, upon condition that the tacks be renewed at the outrunning therof, for a liquidat summe, in name of greiffom:] The lyke offerit Angus: Clidfdail, Galloway, Lauthian, and Fyfe, wald make no offer.

Upon consideration quherof, the brethren defyrit his Majestie that ane law might be made anent the augmentatioun of the duetie of the tacks for sustentatioun of the Ministrie: To the quhilk his Majestie offerit willingly

to deale with the takfmen in fuch fort, that they fould be forcit to augment the duetie of thair tackis to a reafonable and competent living for ane Miniſter at every kirk, vpon conditionn they had ſome reafonable eafe of thair teinds. And for effectuating therof, the Affemblic ordaines every Miniſter to give in a particular overture in wryte to the Commiſſioners quhilk falbe appointit be the Generall Affemblic, [and information,] quhat is the juſt valour of the teinds of his paroch; to quhom they are fett; for quhat duetie; to quhom the duetie is payit; and quhat better every ane can give for planting his awin kirk; to the effect his Maieſtie, with advyce of the ſaid Commiſſioners, may take ane ſolid ordour anent the ſufficient planting of every particular kirk betuixt and the nixt Generall Affemblic.

Seſſio 7^a. Eodem die.

The brethren appointit to try the proceedings of the Commiſſioners of the laſt Affemblic, and the greives givin in againſt the ſame, with the Commiſſioners anſuers therto, declairit, that they had confiderit the haill grieves givin in be the Synodall of Lauthiane, and the Commiſſioners anſuers made to the ſame; and that they thocht it expedient, ſo that it were the will of the Affemblic, that the ſaid greives and anſuers ſould be buried: Notheles, the Affemblic, for ſatiffactioun of the haill brether, thocht good, that the ſaid greives and anſuers ſould be red in audience of the haill Affemblic; quhilk being done, after voteing, it was concludit, that the proceſs and proceedings of the ſaid Commiſſioners ſould be ratified in that pairt; and the ſaid greives and anſuers buried and obliterated, for continuance of peace and quyetnes in the Kirk.

Seſſio 8^a. 11 Martij.

The brethren, after revifeing of the haill proceedings of the Commiſſioners of the laſt Affemblic, ratifies, allowis, and approves [the ſame;] and ordaines the haill greives givin in, and anſuers made therto, to be buried and put out of memorie.

For better executioun of thair proceedings, the General Affemblic or-

daines Mrs Robert Rollock, David Lindsay, Robert Pont, Patrick Gallo-way, Johne Duncanson, James Nicolson, Thomas Buchanan, George Glaidstones, or any fyve of them, to conveye with his Majestie, to put the decreit of the saids Commissioners, anent the planting of Edinburgh, to farther execution, and place the Ministers of Edinburgh at their particular flocks; ordaining lykewayes the Ministers of Edinburgh to obey the said decreit be accepting every one of them their particular flocks, vnder the paine of deprivation from their Ministrie; and in case of disobedience on their parts, and none acceptation of their particular flockis, as said is, that the saids Commissioners depryve them from their function [of the Ministrie:] And thereafter ordaines the saids Commissioners to plant the Kirk of Edinburgh with such of the wyfett and most discreit of the brethren as they shall think most meet, to the glorie of God and edification of the particular flockis within the towne of Edinburgh; and in the meane tyme, quhill the saids Commissioners conveye for performing of the premisses, the brethren ordaines the Ministers of Edinburgh to continue in the preaching of the Word and ministration of the sacraments.

Session 10^a. 13 Martij.

Because fundrie of the brethren desyrit to be satisfieed of his Majesties mynd be his awin mouth toward certaine of the Ministrie, and in speciall toward the Ministrie of Edinburgh, anent whatsoevir thrawarts or accidents that hes fallen out thir two yeirs bygane; his Majestie, for making his mynd more cleirly to be vnderstood be the haill brethren, declarit himselfe to be content and satisfieed with the Ministrie of Edinburgh; and that his Hienes did beare no grudge nor evill will to any of them for any accidents quhilk hes fallin out in any tyme bygane, and that the same shold never be remembrit be his Majestie in any tyme comeing; bot that his Hienes and they, (to the quhilk the Ministrie of Edinburgh willingly aggregit,) shold never call any of these accidents fallin out in any tyme bygane to remembrance, neither make mention of the same in privat speiches or publick sermons, in any tyme hereafter.

The quhilk day, in presence of the haill Assemblie, the Kings Majestie having declarit his advyce anent the necessitie of Commissioners, to be appointed be the Generall Assemblie, to awaite and concurre with his

Majestie for bringing to ane finall end, the longsome worke of the constant Platt for the planting of Ministers at the principall burghes within this realme, in case any of thir places fall happin to vaikie betuixt and the nixt Generall Assemblie; for awaiting on the Parliament, if any falbe, and craveing the redresse of sick things quherwith the Ministers fall find themselves greivit; and finallie, for redressing of sick enormities, and awaiting vpon such good occasions, as may fall out before the nixt Generall Assemblie; desyreing, therfor, that the brethren wald consider the necessitie forsaid, and according to their diseretioun, whither if it were expedient, that ane commissioun should be grantit to certaine of the most wise and discreit of the brethren for the causes forsaids: The quhilk his Majesties advyce the Assemblie thinks very necessar and expedient, and therfor hes givin and grantit, and, be the tenour heirof, gives and grants, thair full power and commissioun to Mrs Peter Blackburne, James Nicollson, Andro Mylne, Alexander Dowglas, Johne Ramsay, Thomas Buchannan, David Fergusone, William Cranstoun, George Glaidstaines, Alexander Lindsay, Harie Livingstoun, Robert Pont, David Lindsay, Robert Rollock, John Hall, Johne Clappertoun, Johne Knox, Gavin Hamiltoun, Andro Knox, his Majesties and the Princes Ministers, or any nyne of them, to conveye with his Majestie, at such tyme and place as falbe found expedient; with power to them, or any nyne of them, to concurre with his Majestie, anent the setting downe and concluding of the solid grounds and fundament of the constant Platt, and quhat securitie falbe made to the taxmen for the remnant of thair teinds: Quhilks grounds being sett downe be them, they fall make every Presbytrie within this realme privie to the same; and in case the saids Presbyteries, be thair Commissioners or be themselves, after visitation of the saids grounds and conclusiouns, ratifie and approve the same, with power to the saids Commissioners, or any nyne of them, to conveye thereafter with his Majestie and [Lords of] the Privie Counsell, having the power of the Parliament to that effect, and there to put ane finall end and conclusioun to the constant Platt, and solid planting of every particular kirk within this realme; with power also to the saids Commissioners, or any nyne of them, to plant sufficient Ministers in the principall burghes within this realme, in case the Ministrie therof fall happin to vaikie betuixt and the nixt Generall Assemblie, and in speciall to take care anent the provisioun of Ministers to his Majesties and the Princes houses, the kirks of Newabbay, and Dumfreis; with power also to the saids Commis-

finers, or any nyne of them, to awaite vpon the Parliament, if any falbe befor the nixt Allemblie, and give in the greives of the samein, defyrand them to be redrest; and to give thair advyce to his Majestie, for avoyding or eschewing of any danger or inconvenient quhilk may be lickle to fall out in prejudice of the Kirk: And lykewayes, in cace his Majestie find himselfe greivit, or crave redresse of any enormitie done to his Hienes be any of the Ministrie, with power to them, or any nyne of them, to fitt and cognosce vpon the same, quherin, for thair better informatioun of the cryme or fact quhilk fall happin to be committit, they fall crave the advyce of the most discreit of the Presbytrie quher the offender dwells, as they fall think expedient, and therafter proceid in taking tryall of the fact be themselves and conclude therin, as falbe most expedient to the glorie of God, and peace and quyetnes of the Kirk within this realme: And, finallie, with expresse power and command to the saidis Commissioners, to propone to his Majestie at thair conventiouns, the petitiouns and greives, asweill of this Assemblie in generall, as of every member therof in particular, as falbe meint vnto them, promittend de rato, &c.

Anent the forsaid commissioun grantit for redresse of such things as fall happin his Majestie to be offendit with in the person of any of the Ministrie: His Majestie declarit in presence of the haill Assemblie, that albeit the haill power of cognosceing of such persons, be devolvit in the persons of the Commissioners, quho sould concurre with his Majestie to that effect; nevirtheles, his Majestie mynds no wayes to trouble the Commissioners with any such matters, vnlesse first it be knowin notoriouslie, that the Presbytrie, quher the offender maks residence, both hes gottin knowledge of the fact, and either hes altogether neglectit the tryall therof, or els not satisfied his Majestie with the punishment imposit to the offenders be them.

Sessio 11^a. Eodem die.

Forfameikle as the Commissioners of the Generall Assemblie, at the Parliament haldin in December last bypast, vpon ane earnest zeale quhilk they did alwayes beare to the weill of the Kirk, had givin in certaine articles to the Lords of Parliament, concerning the libertie of the Kirk, and in speciall had craveit that the Ministrie, as representing the true Kirk of God within

this realme, and so being the third Estate in this realme, might have vote in Parliament according to the loveable acts and constitutiouns of before made in Parliament, in favours of the friedome and libertie of the holie Kirk; quhilks thair travells and indevores, proceeding alwayes vpon ane godly intencion, they submittit to the censures of this present Assemblie, desyreing the brethren to allow or disallow the same, as they fould think most expedient for the glorie of God and the establisching of the true religion within this realme: Quhervpon the brethren being ryple advysit, allowit the honest and godlie intencion of the Commissioners in craveing vote in Parliament [for the Ministrie,] as conforme and aggrieing to sundrie vther acts of the Assemblies preceeding, in the quhilk it hes bein found expedient that the Kirk fould [fute] vote in Parliament.

Forfameikle as his Majestie is willing to vtter his good intencion that he hes alwayes borne to the establisching of the true Kirk of God within this realme, declairit, that for the better performance thereof, his Hienes had assited the Commissioners of the last Assemblie in craveing vote in Parliament in name of the Kirk; quhilk thair fute, albeit it was in some pairt, and [as it were] in a certaine manner, grantit be the Lords of Parliament; yet the acceptatioun therof, the forme, and haill circumstances of the persons, were referritt to this Generall Assemblie, to be acceptit or refusit as the Kirk fould think expedient. And seing his Majestie had anticipat the appointit tyme of the Assemblie, and desyred the brethren to conveine at this present time, especially for the cause forsaide; therfor his Majestie desyrit that the brethren wald enter in a particular consideratioun of the haill points of the said act in every particular point thereof; and first to reason, in publick audience of the haill Assemblie, whither it were lawfull and expedient, that the Ministrie, [as] representing vndoubtedlie the Kirk within this realme, fould have vote in Parliament, or not.

The said questioun being at verie great lenth reasonit and debaittit in vtramque partem, in presence of the haill brethren, and thereafter vottit, the Generall Assemblie votis, [finds,] and concludis, that it is necessar and expedient for the weill of the Kirk, that the Ministrie, as the thrid Estate of this realme, in name of the Kirk, have vote in Parliament.

Sessio 12^a. 14 Martij.

Concerning the number of the Ministrie that shuld have vote in Parliament in name of the Kirk, it was lykewayes concludit and thoct expedient, that als many of them shuld be chosin for the vote [in Parliament] as was wont of auld, in tyme of the Papistlicall Kirk, to be Bischops, Abbots, and Pryours, that had the lyke libertie, viz. to the number of fiftie and ane, or therby.

Item, After reasoning, it was vottit and concludit, that the electioun of sck of the Ministrie as shuld have vote in Parliament, aucht to be of ane mixt qualitie, and appertaine partlie to his Majestie, and partlie to the Kirk. And because, through shortnes of tyme, the brethren could not be perfytelie resolvit in the remanent heids and circumstances concerning the office of him that shuld have vote in Parliament, viz. *de modo eligendi*; of his rent; of the continuance of his office, whither he shuld be chosin ad poenam, or not; of his name; of the cautions for preservatioun of him from corruptiouns, and sck vther circumstances: Therfor the Assemblie ordaines every Presbytrie to be rypelie and throughlie advyлит with the particular heids above wrytin; and therafter to convocat thair Synodall Assemblies through the haill countrey vpon ane day, quhilk salbe the first Tuedisday of Junij nixt to come, and ther, after new reasoning and advysement of the particular heids above wrytin, that every Synodall choose out thrie of the wyfest of thair number, quho salbe readie vpon his Majesties advertisement, quhilk salbe vpon ane moneths warning at the least, to conveyne with his Majestie, together with Doctours of the Vniversitie, viz. Mrs Andro Melvill, Johne Johnstoun, Robert Rollock, Patrick Sharpe, Robert Howie, Robert Wilkie, and James Mertin, sck day and place as his Majestie shal think expedient, with power to them to treat, reason and conferre vpon the saids heids, and vthers pertaining thereto; and in case of aggriment and vniformitie of opiniouns, to vote and conclude the haill questioun concerning vote in Parliament: vtherwayes, in case of discrepance and variance, to referre the conclusioun therof to the nixt Generall Assemblie.

For better observing of the Presbyteries, It is statute or ordainit, that every Presbytrie shal assemble themselves once ordourly, ilk weike in thair full number, at the least so many of them as hes thair residence within aucht myles to the place of the ordinar conventioun of the Presbytrie.

That every member of the Presbytrie studie the text quhervpon the exercise is to be made.

That a commoun heid of religioun be intreattit every moneth in ilk Presbytrie, both be way of discourfe and disputation.

That every Pastour have ane ouklike exercise of instructioun and examinatioun of ane part of his congregatioun in the Catechisme.

Quhilkis haill heids are ordainit to be observit vnder the paine of incurring the censures of the Kirk.

Sessio ultima. Eodem die.

Anent the Protestatioun given in be Mr John Davidstone, for himselfe and in name of certaine brethren, as he alledgit, protesting, that this present Assemblie was not ane frie Assemblie; quhilk his Protestatioun he desyrit to be insert in the bookes of the Assemblie.

It being inquirit be the Moderatour, if any man wald adhere to the said Protestatioun: There was none found that wald adhere to the same, nor was of the said Mr John his opinioun thereanent; and therefore the brethren dischargeit the Clerk to insert the same in the books of the Assemblie.

The brethren having red and considerit the paines and travells takin be Mr Patrick Sharp, Principall of the Colledge of Glasgowe, and his Lessouns vpon the Catechisme and grounds of religioun, allowis of the same, and thinks them very necessar and profitable; and therfor ordaines them to be printit.

Because the questioun anent summar excommunicatioun, for lake of tyme, cannot be commodiously intreatit at this present, therefor the brethren continewis the same quhill the next Assemblie: in the meane tyme suspends all summar excommunicatioun.

Because ther hes bein no ordour sett downe hitherto anent the number of Commissioners [to be] direct from every Presbitrie to be sent to the Generall Assemblie, Therfor it is statute and ordanit, that, in all tyme comeing, thrie of the wyfist and the gravest of the brethren salbe direct from every Presbytrie at the most, as Commissioners to every Assemblie; and that none presume to come but commissioun, except they have a speciall complaint; and that the Clerk of the Assemblie take heid to receive no more in commissioun bot thrie allanerlie, as said is; and lykeways that ane be direct from every Presbytrie in name of Barrones, and ane out of every

burgh except Edinburgh, quhilk fall have power to direct two Commiffioners to the Generall Affembly.

Anent the supplicatioun givin in be the Towne of Dundie, craveing ane vther Minister to be appointit to them in place of William Chrystefone, quho through age is not able to discharge his calling : The brethren thocht their desyre reasonabill ; and having appointit on the leits Mrs Johne Hall, Minister at Leith, and Robert Howie, Principall of the New Colledge of Aberdein, be pluralitie of vottis, Mr Robert Howie was chofin to be Minister at Dundie, and ordainit to be transportit with all possible diligence.

Because it was reportit that the Ministrie of Orknay had dilapidat thair benefices be setting of tackis of the rent of the same, to the great hurt and prejudice of the kirks, Therfor it is statute and ordainit, that none of the Ministers of Orknay or Zetland sett any tacks of any part of the fruites of thair benefices, nor zet give thair consent to the tackis that salbe sett be vthers, in any tyme comeing, vnder the paine of deprivation.

Because it was reportit be certaine of the brethren, that notwithstanding of the actis of the Assemblies proceeding against faillors and traffiquers with Spaine, the said traffique was not intermittit, Therfor the Assemblée ordaines the acts made anent the saids traffickers to be put to farther execution in all points, but any respect of persons.

The Assemblée hes ordainit the Prelbitries of Dundie and Arbroth to summond befor them the Countessis of Huntlie, Sutherland, and Cathnes, to subferyve the Confessioun of Faith, vnder the paine of excommunicatioun ; quhilk summonds salbe execute be Mr William Paip, quho fall summond the Ladie Cathnes ; Alexander Dowglas, the Ladie Huntlie ; and George Monro, the Ladie Sutherland.

The brethren ordaines the next Generall Assemblée to be haldin at Aberdein, the first Tueday of July 1599 zeirs.

[By the Kings Proclamations the next General Assembly was appointed to be holden at Montrossie in March. C.]

A. D. M.DC.

THE Generall Affemblie of the Kirk of Scotland haldin at Montrois, the 18 of Marche 1600 zeirs: Quher the Kings Maieſtie being perſonallie preſent, were conveynit the Commiſſioners of Schyres.

Sefſio 1^a.

Exhortatioun being made be Mr Peter Blackburne, Moderatour of the laſt Affemblie, Mrs Robert Bruce, Patrick Galloway, Robert Wilkie, Patrick Sharp, James Melvill, and Patrick Simfone, were appointit on the leits: Be pluralitie of votis Mr Robert Wilkie was eleſtit Moderatour hac vice.

Sefſio 2^a. Eodem die.

The Commiſſioners appointit in the laſt Generall Affemblie for viſitation of the kirks within every Preſbitrie, as are particularlie divydit in the ſaid Commiſſioun, being requyrit quhat diligence they had done in diſcharge of the ſaid commiſſioun: It was anſuerit for the moſt part of them, that they were not able to diſcharge any part of the ſaid commiſſioun, in reſpect they wantit moyen to make thair expenſis during the tyme of the viſitatioun: and therfor the Affemblie thocht good that it ſould be meanit to his Maieſtie, that through inlake of expencis the worke of viſitationn

was lyke to ceafe, and to crave that some remeid may be provydit therto.

Forfameikle as it was regratit, that the aēt made in the laft Affemblie, anent the ordinar keiping of Presbytries, and the reforting therto, was not regardit be fundrie of the Miniftrie, and speciallie be them of the Presbitries of Air and Irwing: Therfor the Generall Affemblie ordaines the faid aēt to be put to executioun in all points, throughout all the Presbitries within this realme; and quhofoevir contemnes and violats the famein, after twyfe admonitioun, that he be fuspendit from his miniftrie: ordaining the vifitors, that falbe appointit fra this Affemblie, to report to the nixt Affemblie quhat diligence they find done, touching the keiping of the faid aēt.

Sessio 3^a 19 Martij.

Auent the fupplicatioun givin in be the Synodall of Galloway, making mentioun, that quher they had ane aēt for the erecting and bigging of ane kirk at the burgh of Stranrawer, within the Presbitrie of Wigtoun, and annexatioun therto of the 20 pound land of the parochine of the Inche, lyand towards the coaft of Ireland, pertaining to the Lairds of Garthland, Stranrawer, Kinbilt, and Sorbie, with the 29 mark land of the parochin of Salfett, the fyve mark land of Auchterlure, and fyve mark land of Stranrawer, as being moft commodious for the inhabitants of the faid lands, for reforting to the faid kirk for heiring of the Word; vnto the quhilk erectioun and annexatioun forfaid, the heritours and kyndlie tennents of the faids lands, hes alreadie givin thair consent: defyreand, therfor, the Generall Affemblie will ratifie and approve the fame, as at mair lenth is conteinit in thair fupplicatioun. The Generall Affemblie [ratifies and] approves the erecting [and annexatioun] forfaid, of the faid Synodall of Galloway in all points.

Becaufe the generall queftioun was proponit to the hail Affemblie, quher congregatiouns are fo fpacious, that a great part therof may not commodiouſlie refort to thair awin paroch kirk, be reafon of the great diftance of thair habitatioun therfra, If it be lawfull to ane number of the faid congregatioun to big ane new kirk, and intertaine a Paſtor at the fame

vpon thair awin expensis : The Generall Assemblie, after lang reafoning, thinks it both lawfull and expedient, and declares they will assit the samein as a godlie wark, and will crave the samein to be ratified in Parliament, how so oft it fall occurre.

Becaufe it was reportit, that a great number of gentlemen, and vthers of this realme, wilfullie and obstinatelie abstaines from the holie communion ; some vnder collour of deadlie feids, and some for some vther licht causes : Therfor, for remeid of the said abuse, it is statute and ordainit, That all Presbitries, within this realme, give expresse charge and command to every particular Minister within thair bounds, charging them to take vp the names of all them within thair parochines, quho hes not communicat ilk geir anes at the leist ; and therafter summond them [to compeir] befor the Presbitrie, to heir and lie themselves decernit to communicat within thrie monethis nixt after the charge ; certifieand them and they failzie, the act of conventioun made aganis non communicants falbe put to executioun aganis them : quhilk being done, and the saids persons, non communicants, remaining obstinate, and the saids thrie monethis expyred, that the Presbitries delate the names of the saids non communicants to the Kings Maiestie, to the intent the forsaid act of conventioun made against non communicants may be put to executioun aganis them : And in the parochin quher ther is no Minister, that this ordour be supplid be the Presbitrie within the quhilk the said paroch lyes.

Forfameikle as it was heavilie lamentit in the Kings Maiesties prefence, that quhenas fundrie of the Ministrie were occupied in thair lawfull calling, in persewing malefactours, such as adulterers, murtherers, and vther slanderous persons, vrging them to purge [themselves of] the slanders committit be them, conforme to the statutes of the Kirk, daylie observit within this realme, that at such tymes they were drawin from thair calling, and chargit to compeir befor the Secreit Counsell, be letters privielie obtainit vpon false narratives be the saids slanderous persons ; quherby not only were they distraetit from thair lawfull functiouns, but also the discipline of the Kirk and punishment of vyce [was] greatlie [negleetit and] contemnit : Therfor the brethren of the Assemblie most humblie requeists his Maiestie not to suffer such contempt of the discipline of the Kirk, quherby the brydle wald be lousit to all impietie and licentious living.

To the quhilk his Maiestie promitt, that, in tyme comeing, no letters shold

be direct from the Secreit Counsell, at the instance of any person, aganis any Minister in particular, or any Presbitrie in generall, for quhatsoever thing he or they fall doe in the executioun of their offices, befor the person, requyrer [of the saids letters,] produce ane testimoniall under forme of ane instrument de denegata justitia of the Minister or Presbytrie judge ordinar.

Sessio 4^a. Eodem die, post meridiem.

The brethren appointit to await vpon the Kings Maiestie, for advyseing of such articles as shuld be cravit of the nixt Conventioun for taking ordour with Jesuits, Papists, Seminarie Priests, &c., hes, with the Kings Maiesties advyse, formed the articles vnderwrytin, to be givin in to the nixt Conventioun.

1. That all Jesuits and Seminarie Priests, excommunicat and trafficking Papists, that fall happin, in any tyme comeing, to returne within the countrey, or that are presentlie within the countrey, fall, immediatlie after their delatioun to his Maiestie, be apprehendit and put in ward, ther to be detainit ay and quhill they be convertit to the religioun, or els punishit according to the acts of Parliament, or els removit aff the countrey.

2. That the refetters of obstinate excommunicat Papists, and thair cheife friends and acquaintances, in whose houses they haunt, be chargit to find cationn, vnder a pecuniall paine according to thair abilitie and rank, that they fall no way receit nor intertaine the said excommunicats.

3. That all excommunicat Papists be chargeit to satisfie the Kirk within the space of thrie monethis, vnder the paine of burning; and if they failzie, to be denuncit therto, that thair escheitts and lyferents, in cace of zeir and dayes rebelloun, may be intronettit with be his Maiesties Thesaurer, and not disponit to any donatour.

4. That the Marqueis of Huntlie be chargeit to [exhibit and] present before his Maiestie and Secreit Counsell, John Gordoun of Newtoun, Patrick Butter, and Alexander Leslie, according to his band, that they may be committit to ward ay and quhill they satisfie the Kirk.

Bonytoun Zonger, alledgit resident within the Presbitries of Ellon, Aberdeine, and Breichin, is ordainit be the General Assemblie to be conveinit befor the Presbitrie of Brechin, and ther to offer his satisfiatioun as to his judges ordinar.

Tarwes, and Methlik, kirks of the Synodall of Aberdeine, vpon the xj day of November 1597 zeirs, with mutual consent of the parochiners, and heritours of the lands to be interchangit and annexit, with consent of the said Synodall, excambit certaine lands, and annexit them in respect of the farre distance from thair awin paroch kirks, and contiguitie to the kirks quherunto they are annexit, but prejudice alwayes of thair rents of the Personage and Viccarrage of the saids lands, to be payit to the auld Persons and Viccars, as befor the said excambion. The Generall Assemblie, at the desyre of the said Synodall, ratifies and approves the said excambion and alteratioun in all points, and ordaines the samein to take full effect.

Forfameikle as diuerse and great inconveniences arifes daylie through the vntymeous marriage of young and tender persons befor they come to age meit for marriage; and that ther is no law, nor statute of the Kirk, [made] as yet desyning the age of persons to be married: Therfor it is statute and ordainit, that no Minister within this realme presume to joyne in matrimonie [any perones], in tyme coming, except the man be of fourtein zeirs, and the woman of twelve zeirs at the leist: ordaining lykewayes the Commissioners of the Generall Assemblie to desyre this statute to be ratified in the Conventione.

Anent the questioun, Whither a man being blind may discharge all the parts of the office of a Pastor; and in speciall anent the admissioun of Mr Johne Boyle to the ministrie of Jedburgh, being blind: The Assemblie referres the ansuer of the generall questioun to the next Generall Assemblie.

And as to the admissioun of the said Mr Johne, referris it to the Commissioners of the said Generall Assemblie; and in the meanetyme discharges the said Mr Johne fra vling any part of the office of a Pastour, except the preaching of the Word.

Because the mariage of persons convict of adulterie, is a great allurement to married persons to committ the said cryme, thinking therby to be separate from their awin lawfull halfe marrowes, to enjoy the persons with quhom they have committit adulterie: for eschewing quherof, the Generall Assemblie thinks it expedient, that ane supplicatioun be givin in to the nixt Conventioun, craveand ane act to be made, dischargeand all mariages of such persons as are convict of adulterie; and that the samein be ratified in the nixt Parliament: ordaining the brethren appointit to awaite vpon the nixt Conventioun to give in this article with the rest.

Sessio 6^a. 20 Martij, post meridiem.

Forfameikle as, in the last Assemblie, ther was commissiounn givin to every Synodall within this realme, to elect and choose out thrie of the wyfett of their number, to be readie vpon his Majesties advertisement, and to conveyne with his Hienes, and treat vpon such heids, concerning vote in Parliament, as were not condiscendit vpon in the last Assemblie, and, in cace of agriement, to conclude the haill matter; vtherwayes to referre the same to the nixt Assemblie, as at mair lenth is containit in the said commissiounn: conforme to the quhilk, the saids Commiissioners being conveynit at Falkland, the 25 day of Julij 1598, they being rypelic advysit with the heids following, gave their advyce and conclusioun, as follows:

1. Concerning the maner of choosung of him that fall have vote in Parliament in name of the Kirk: It is condiscendit vpon, that he fall first be recommendit be the Kirk to his Majestie; and that the Kirk fall nominat fixe for every place that fall have neid to be filled, of quhom his Majestie fall choose ane, of quhom he best lykes; and his Majestie promifes, obleifes, and binds himselfe to choose no vther but ane of that number: And in cace his Majestie refuses the haill vpon ane just reason of ane insufficiency, and of greater sufficiencie of vthers that are not recommendit, the Kirk fall make ane new recommendiounn of men according to the first number, of the quhilk, ane salbe cholin be his Majestie without any farther refusall or new nominatiounn; and he that salbe cholin be his Majestie, salbe admittit be the Synods.

2. It is concludit, that the Generall Assemblie fall have the nominatioun or recommendiounn of him that, in the name of the Kirk, fall vote in Parliament, quho fall take the advyce of the Synods and Presbyteries theranent, direct from them in wryte: and the Synod fall have libertie to nominat asweill within their province as without; provyding that there be a man within the province meit for the place, cæteris paribus, he be preferrit to another.

3. Anent his rent: It is advyseit, with one consent, that the Kirk being plantit insufficientlie, the Colledgis and Schooles already erectit not prejudgeit, that the Kings Majestie fall provyde him to all the rest that may be obtainit of that benefice, quherto he is preferrit.

As to the cautions to keip him, that fall have vote in Parliament, from corruptionns : They be these following :

1. That he presume not, at any tyme, to propone at Parliament, Counsell, or Conventioun, in name of the Kirk, any thing without expresse warrand and directioun from the Kirk, and sicke things as he fall answer [for] to be for the weill of the Kirk, vnder the paine of depolitoun from his office : neither fall he consent, or keip silence, in any of the saids Conventiounns, to any thing that may be prejudiciall to the weill and libertie of the Kirk, vnder the samein paine.

2. He fall be bound, at every Generall Assemblie, to give ane accompt anent the discharge of his commissioun sen the Assemblie gangand befor ; and fall submitt himselfe to thair censure, and stand at thair determinatioun quhatsumever, without appellatioun ; and fall seik and obtain ratificatioun of his doings at the said Assemblie, vnder the paine of infamie and excommunication.

3. He fall content himself with that part of the benefice quhilk falbe givin in be his Majestie for his living, not hurting nor prejudging the rest of the Ministers of the kirks, within his benefice, plantit or to be plantit, or any vther Minister [of the countrie] quhatsumever ; and this claus to be insert in his provisioun.

4. He fall not delapidat in any wayes his benefice, neither make fett nor dispositioun therof, without the special consent of his Majestie and Generall Assemblie : and for the greater warrand heirof, he fall interdyte himselfe not to delapidat his benefice, nor consent to delapidatioun thereof made be vthers to the Generall Assemblie ; and falbe content that inhibitiounns be raised on him to that effect.

5. He falbe bound faithfullie to attend vpon his awin particular congregatioun, quherat he falbe Minister, in all the points of a Pastor ; and heiranent falbe subiect to the tryall of his awin Presbitrie and Provinciall Assemblie, as any vther Minister that beares not commisioun.

6. In the administratioun of discipline, collatioun of benefices, visitatioun, and all vther points of ecclesiasticall government, he fall neither vsurpe nor acclaime to himselfe any power or jurisdictioun farther than any vther of the rest of his breither, unlesse he be imployit be his breither, vnder the paine of deprivation : And in case he vsurpe any part of ecclesiasticall government, and the Presbitrie, Synodall, or Generall Assemblie, oppone

or make any impediment therto ; quhatfoevir he doe, after that impediment, to be null, ipso facto, without any declaratour.

7. In Presbitries, Provinciall and Generall Assemblies, he shall behave himselfe in all things, and be subje&ct to their censuring, as any of the brethren of the Presbitrie.

8. At his admissioun to his office of Commissioner, thir and all vther points necessar he shall sweare and subscribe to fulfill, vnder the paine of the penalties forsaids ; and vtherwayes not to be admittit.

9. And in case he be deposit be the Generall Assemblie, Synod, or Presbitrie, from his office in the Ministrie, he shall also tyne his vote in Parliament, ipso facto, and his benefice shall vaik.

And farther cautions to be made as the Kirk pleases and finds occasioun.

Anent his name that for the Kirk shall [have] vote in Parliament : It is advyseit, be vniforme consent of the haill brether, that he shall callit Commissioner of such a place ; and in case the Parliament, be his Majesties moyen, be inducit to acknowledge that name, it shall stand so : if not, the Generall Assemblie shall conclude this questioun anent his name.

The questioun being demandit, Whither the commissioun of him that for the Kirk [shall vote in Parliament,] should indure for his lyfe tyme, except some cryme or offence interveine, or for a shorter tyme at the pleasure [of the Kirk] : The Commissioners of the Provinciall Assemblies being of diverse opiniouns, thought good to referre this questioun to the next Generall Assemblie.

Quhilks haill conclusiouns being red in prefence and audience of the haill Assemblie, and they being rypely advyseit therwith, ratified, allowit, and approvit the samein ; and thocht expedient that the said cautiouns, together with sick vthers as shall be concludit vpon be the Assemblie, be insert in the bodie of the act of Parliament, that is to be made for confirmatioun of vote in Parliament to the Kirk, as most necessar and substantial parts of the samein.

Anent the supplicatioun givin in be James Leirmonth, gonger of Dairfie, James Kynninmonth of that ilk, Johne Traill of Blebo, for themselves, and in name of their tennents, and vthers, parochiners of the paroch of Sanct Androes, makand mentioun, That albeit they are parochiners of the said paroch kirk, lykeas they and their predecessours hes bein [continually subje&ct to the discipline of the said kirk, and hes been] ever readie to vnderly

quhatsoever burdein was impositt for furtherance of the said kirk, and con-
 curre with the rest of the parochiners, according to thair rent and portioun
 of the said paroch : nevertheles the Ministrie and Sessiou of the said kirk
 refuses to suffer them and thair saids tennents to enjoy the benefits of the
 Kirk with the remanent of the said paroch ; but debarres them from the
 heiring of the Word, receiving of the sacraments, and benefite of marriage,
 within the said kirk of Sanct Androes, but any reasonable cause : De-
 fyreand, therfor, ane command to the Ministrie and Sessiou of the said
 kirk of Sanct Androes to admitt the forsaids persons and thair vassalls to
 the hearing of the Word in the said kirk of Sanct Androes, and the enjoy-
 ing of the haill remanent benefites of the Kirk, as at mair lenth is conteinit
 in the said supplicatioun.

The Generall Assemblie having considerit the premisses, commands and
 ordaines the Ministrie and Sessiou of the said kirk of Sanct Androes to
 admitt the saids complainers, and thair vassalls and tennents, parochiners
 of the said kirk, to the hearing of the Word, mariage, and receiving of the
 sacraments of the Kirk, within the said kirk of Sanct Androes, as thair
 proper paroch kirk, in all tyme comeing, ay and quhill thair awin content
 be obtainit in the contrair.

Sessio 7^a. 21 Martij.

Anent the supplicatioun givin in be the parochiners of Tulliebodie, make-
 and mentioun, Albeit the said paroch of Tulliebodie be ane auld paroch,
 separate from all vthers, having within itselfe the number of foure or fyve
 hundreth communicants or thereby, and payes thair teinds to the Abbot
 of Cambuskenneth, quho rigoroullie exacts the same : Nevertheless the
 Presbitrie of Striveling hes, be thair ordinance, commandit the said kirk of
 Tulliebodie to be vnittit to the Chappell of Alloway most wrangoullie ;
 seeing the saids complainers, be ane anterior command of the said Pres-
 bitrie, not only reedified thair said Kirk of Tulliebodie, but also, vpon
 thair awin charges, furnischt a Pastor to the said kirk ; lykeas yet they are
 most willing to doe, notwithstanding thair teinds are most wrangoullie led
 away be the said Abbot, as said is : defyreing, therfor, thair said supplica-
 tioun to be considerit, and the said union to be dissolvit, as, at mair lenth,
 is conteinit in the said supplicatioun.

The brethren of the Presbitrie of Striveling being callit to give a reason of this thair vnioun of the said kirks, answairit, That the cause moving them was, First, That both the saids parochines lay verie commodiouse to the said kirk of Alloway: Secondlie, That the number of both the saids parochines wald make but one sufficient congregatioun: Thirddie, That ther could not be ane stipend obtainit to the said kirk of Tulliebodie, in so farre that at the desyre of the saids complainers, ther being ane Pastour appointit to the said kirk, vpon promise that they wold furnisch him a sufficient stipend, he was forcit, for povertie, for to leave them: quheras, be the contrair, be the vnioun of the said two kirks, the Erle of Marre furnishes a sufficient stipend to ane Pastour, resident at the same.

The Generall Assemblie having considerit the premisses, ratifies and approves the vnioun of the saids kirks of Alloway and Tulliebodie, and ordaines Alloway to be the paroch kirk in all tyme coming.

Anent the supplicatioun givin in be the Presbitrie of Deir, makand mentioun, that quher the Laird of Phillorth having erectit ane Colledge vpon the towne of Frazerburghe, and aggreit with Mr Charles Ferme to be both Pastour of the said burgh, and Principall of his Colledge; quhilk burdein the said Mr Charles refuses to accept vpon him, without he be commandit be the Generall Assemblie: Desyreand, therfor, ane command to be givin to the said Mr Charles to accept both the said charges, as at mair lenth is containit in the said supplicatioun:

The Generall Assemblie having at length considerit the necessitie of the said wark, and how the said Laird of Phillorth hes refusit to intertaine a Pastour at the said kirk, vnlesse he vndertake both the said charges, Therfor commands [and charges] the said Mr Charles Ferme to vndertake and awaite vpon, afweill the said kirk, as to be Principall of the Colledge of Frazerburghe.

Sessio 8^a. Eodem die.

Forfameikle as the Commissioners of the Synodalls conveinit at Falkland, the 25 of Julij 1598 geirs, being of diverse opiniouns concerning the continuance of his commissioun that fall have vote in Parliament, Whither he sould indure for his lyfetye, except some cryme or offence interveine, or

for a shorter tyme, at the pleasure of the Kirk, they thocht good to referre the same to this present Assemblie : Therfor the Generall Assemblie having reafonit at length the said questioun, touching the continuance of him that fall have vote in Parliament, after votting of the same, finds and decernes, that he fall annuatiu give count of his commillion obtainit from the Assemblie, and lay downe the same in at thair feitt, to be continuit or alterit therfra be his Maieftie and the Assemblie, as the Assemblie, with consent of his Maieftie, fall think most expedient for the weill of the Kirk.

It is statute and ordainit, that nane of them that fall have vote in Parliament, fall come as Commissioners to any Generall Assemblie, nor have vote in the same in any time coming, except he be autorizit with a commillion from his awin Presbitrie to that effect.

It is found be the Assemblie, that crimen ambitus falbe a sufficient cause of deprivation of him that fall have vote in Parliament.

It is statute and ordainit, that every Minister intimat this Generall Assemblie, that the vote in Parliament is concludit be the Assemblie ; and that nane vtter speich in pulpitt contrair the same.

Forfameikle as it hes bein found necessar of before, and profitable for the weill of the Kirk, that certaine Commissioners be appointit fra Assemblie to Assemblie, whose special care and travell shold be to give thair advyce to his Maieftie in all affaires concerning the weill of the Kirk, and intertainment of peace and concord betuixt his Maieftie and the Kirk : Therfor the Generall Assemblie, continowing in that same course, hes givin and grantit, lykeas be the tenour heirof gives and grants, thair full power and commillioun to Mrs Johne Strachane, James Nicolfone, Andro Mylne, Alexander Forbes, Alexander Dowglas, Robert Howie, James Melvill, Johne Caldclench, Robert Wilkie, Harie Livingstoun, Alexander Lindsay, George Glaidstones, Robert Pont, David Lindsay, Robert Bruce, Johne Hall, Johne Clappertoun, Johne Knox, Andro Lamb, James Lowfone (Law ?) Johne Spottiswood, Gawin Hamiltoun, David Barklay, Andro Knox, with the Kings Maiefties Ministers, or any nine of them ; Giveand, grantand, and committand to them thair full power to plant such kirks in Burrogh Townes as are destitute of Pastours ; and in speciall, the kirk of Leith, in place of Mr Johne Hall last removit therfra, and the southweft kirk of Edinburgh, vaikand be the deceis of vmquhile Mr Robert Rollock : to present the greives of this present Assemblie to the nixt Con-

ventioun, and to receive the answers of the samein. And lykewayes, in cace his Maiestie find himselfe greivit at any enormities committit be any of the Ministrie, to try and cognosce vpon the samein, and take sick or-dour theranent as falbe meitest to the glorie of God, and weill of the Kirk ; to advyse with his Maiestie anent the effectuating of the constant platt : Promitten de rato &c.

Thir are the Commissioners appointit to await on the Conventioun ; Mrs David Lindfay, Robert Bruce, James Nicolfone, Andro Lamb, William Couper, Alexander Lindfay, Johne Spottiswood, with the Kings Maiesties Ministers.

Because it was vnderstand be the Assemblie, [that Mr Andrew Lamb,] Minister at Aberbrothok, was lickle to be transportit to some vther flock, quher his gifts might profite the Kirk in some greater abundance : Ther-for the Generall Assemblie gives licence to the said Mr Andro Lamb to be transportit from the said kirk of Aberbrothok.

The said day, the Generall Assemblie receivit and admittit Mr Thomas Hope to be Solister for the Kirk in place of James Mowat ; quho being personallie present, dimittit the same in the Assemblies hands, after the said Mr Thomas had givin his oath of fidelitie in the said office.

Anent the proceffe of appellatioun persewit be James Lord Lindfay of the Byres, and remanent gentlemen and parochiners of the paroch kirk of Seiris, aganis the Presbyteries of Couper and Sanct Androes, concerning the admissioun of Mr Robert Buchannan, Provest at Kirkheuch, to the Ministrie [at the kirk] of Seiris, and transportatioun of him from the kirk of Forgane in Fyfe : The brethren appointit to visite the said proceff, having made thair report to the haill Assemblie, the rights, reasons, and allegatiouns of all the said pairties beend [heard and] confidderit, The General Assemblie decernes and ordaines the said Mr Robert to remaine Minister at the said kirk of Seiris : And sick lyke gives thair power and commissioun to Mrs James Melvill, Robert Wilkie, James Nicolfone, Alexander Lindfay, and William Scott, giveand them power to elect and choose out a discreit man, with consent of the saids parochiners of Seiris, to be adjoinit to the said Mr Robert as Minister and fellow helper with him at the said kirk of Seiris ; with power also to them to modifie how mikle of his stipend falbe modified [payit ?] be the said Mr Robert, and how mikle be the saids parochiners of Seiris. And in speciall, the Assemblie

recommends vnto them thair brother, Mr William Symfone, Minister at Bruntiland.

Forfameikle as there are diuerſe parts of the countrey, that, for lake of viſitation, are become almoſt deſolate, Therefor the Generall Aſſemblye hes thocht good that certaine viſitours be direſt for viſiteing of the bounds of Kirkudbright and Wigtoun, Mrs David Barklay, Alexander Scrymgeour, and Nathan Inglis; of the bounds of Murray, Mrs George Hay and Andro Crombie; of the bounds of Orkney and Cathnes, Mrs Robert Pont, John Monro elder, and John Monro younger; of the bounds of Roſſe, Mrs Alexander Dowglas, Johnne Carmichaell, and William Scott; and for Nitheſdale, Mrs Robert Wallace and Johnne Welfche: with power to them to inquire in the lyfe, doctrine, and qualification of the Miniſtrie within the ſaids bounds; to try the ſayers and heirars of meſſe within the ſamein: with power alſo to plant and transport Miniſters to ſuch places as they ſhall think moſt expedient for the glory of God and weill of the Kirk; and to report to the next Aſſemblye.

Becauſe the Iland of Errone lyes moſt commodious and adjacent to the Preſbitrie of Irvin, Therfor the Generall Aſſemblye annexis the ſame to the ſaid Preſbitrie.

Anent the ſupplication givin in be the Preſbitrie of Migle, makand mentionn, That ſeeing the ſaid Preſbitrie had vnited the kirks of Ellie and Neua to be and remaine a congregatioun vnder the charge of ane Paſtour, at ane kirk to be biggit in the mids of the ſaids two parochines; partlie in reſpect of the fewnes of the number [of] both the ſaids parochines, not extending [to] the number of fyve hundreth perſons; partlie in reſpect of the commoditie of the place, ſeeing the fartheſt part of both the ſaids parochines will not be diſtant halfe a myle from the place, quher the ſaid kirk ſould be biggit; and partlie in reſpect of the impoſſibilitie of moyen to ſuſtaine two ſundrie Miniſters at the ſaids two kirks: Deſyreing, therfor, ane ratificatioun of the vnioun in this Aſſemblye, together with a command to the brethren direſt to the Eſtates conveinit at Perth, to crave the ſamein to be ratified in the ſaid Conventioun, as at mair lenth is containit in the ſupplication:

The Generall Aſſemblye ratifies and approves the vnioun forſaid; and ſicklyke [ordaynes] the brethren appointit to gang to the Conventioun at Perth, to crave the ſaid vnioun to be ratified in the ſaid Conventioun.

Anent the appellatioun perſewit be the Preſbitrie of Dumfermling fra

the decreit pronuncit be the Synodall of Fyfe, haldin at Couper the 6 of Marche 1598, finding that the said Presbytrie had done wrong in planting of the kirk of Dalgatie with hurt and prejudice of the Kirk of Aberdoure, being the most great and populous congregatioun, and the haille stipend being but a meane stipend, and therfor decernand the haille stipend to remaine with the kirk of Aberdoure: The said Presbytrie of Dumfermling compeirand be Mr Johne Fairfull, Minister of Dumfermling, thair Commisfioner, and the Commissioners of the Synodall of Fyfe being lykewayes present, with the Commissioners of the Towne of Aberdoure, the rights and reafones of both the saids parties hard and confiderit, The Generall Assemblie decernes and ordaines Mr William Patoun, Minister at Dalgatie, to serve the cure of both the saids kirks of Aberdoure and Dalgatie, and to have assignit to him for his service thereat, the haille auld stipends of Aberdoure and Dalgatie befor the divisioun therof, for the crope and geir of God 1599, and geirlie in tyme comeing, ay and quhill sufficient provisioun may be gottin for planting of both the saids kirks.

The Generall Assemblie grants libertie to Mr William Symfone, Minister at Bruntiland, to transport himselfe from the said kirk, in respect he hes servit therat thir many geirs bygane, but any stipend; and the Queines Maiestie and her Chamerlanes, quho was in vse of payment of before of the Ministers at the said kirk, refuses to make payment to the said complainer of the samein: and therfor recommends him to the Synodall of Fyfe, to have consideratioun of him in planting of their kirks.

The next Generall Assemblie is appointit to be haldin at Sanct Androes the last Tuesday of Julij 1601.

[The General Assemblie appointit to be hauldin at Sanct Andros was be the Kings proclamation at Mercat crosses, commanded to be keipit with him at Brunteyland in the monethe of May. C.]

A. D. M.DCI.

THE Generall Affemblie of the Kirk of Scotland, haldin at Bruntiland, the 12 day of May 1601 zeirs. In the quhilk the Kings Majestie with his Commillioners of the Nobilitie and Burrowes, were present.

Sessio 1^a.

Exhortatioun being made be Mr Robert Wilkie, Moderatour [of the last Affemblie,] the brethren proceedit to the electioun of ane new Moderatour : and Mrs Patrick Galloway, Patrick Simfone, Patrick Sharpe, Johne Hall, and James Robertson, being put on leits ; be pluralitie of votes Mr Johne Hall was chofen Moderatour hac vice.

Sessio 2^a. 14 Maij.

The quhilk day the brethren having entrit in consideratioun of the generall defectioun from the puritie, zeale, and practife of trew religioun in all estates of the countrey ; and how that the same must of necessitie, at last, be concludit either in Papistrie or Atheisme, within short space, in the righteous judgement of God, except some substantious remeid be provydit therto in tyme ; and because the evill cannot be weill curit unlesse the originall springs and [speciall] causes therof be rypit up : Therfor the bre-

thren, after mature deliberatioun and weying of the causes of the said defectioun, hes found the principall causes therof to be, as followes.

Causes of the defectioun from the puritie, zeale, and practife of true religion in all estates of the Countrey: And how the same may be most effectuellie remeidit.

The principall cause of this fearefull change, no doubt, is the iust wrath of God kindlit against the haill land for the vnreverent estimationn of the Gospell, and for the sins of all estates, and dishonouring of their professions, and making the name of God to be blasphemed through the profane world without remorse.

Laik of care and diligence vpon the part of the Ministrie, in the discouerie of them that makes apostasie to Papistrie; and negligence in executionn of the lawis and discipline aganis sick as happins to be discoverit.

Want of Pastours, and vnplantit kirks, and displanting of kirks, quihilk hes bein provydit, be diminutioun of the Thrids.

Neglecting of places that are of cheifst importance to the interest of religion, in not planting sufficient Pastours therat, sick as [are] her Majesties house, the Princes house, the Erles of Huntlie, Erroll, and Angus houses, and places of their cheifest residence; the Lord Hoomes house, the Lord Herries house, and cheife places of their residence; the towne of Dumfreis, and vthers of the Nobilitie and [of] greatest power within the countrey.

The ovir hastie admissioun of men to the Ministrie, befor they be knowin to be of sufficient gifts and experience to discharge fruitfullie that high calling [in] thir difficle tymes.

The negligence of the Ministrie in advancing of their knowledge, be ever continuall and constant reiding of the Scriptures, and controverlies of the tyme; quherthrow they might be able to bring the consciences of their auditors in subiectioun to the obedience of the Gospell, and convince of the adverstarie.

Negligence in the lyves of the Ministrie, not frameing their conversatioun in gravitie as paterns of lyfe to the peiple; bot frameing themselves excessively to the humours of men, especiallie in communicatioun at tables, and giving sometymes examples of intemperance, [and] in the light and prodigall abulzements of their families.

The diftraçtioun of mynds quhilk is fupposed to be in the Miniftrie ; [and] the diftraçtioun quhilk is fupposed to be of his Majefties mynd from fome of the Miniftrie.

The advancing of men fufpect in religioun, and knawin to be evill affectit to the good caufe, vnto offices, honours, [and] credit in Court, Counfell, and Sellion, and vther rowmes of great importance within the countrey.

The defolatioun of the Kirk of Edinburgh through the want of Paf-tours.

The continuall refidence and intertainment of the Ladie Huntlie, a knowin and profest Papift, of Margret Wood, fifter to the Laird of Bony-toun, and vthers knawin and profest Papifts, in his Majefties Court and companie.

The education of thair Majefties children [in] the companie of obftinat and profest Papifts, fick as the Ladie Livingftoun.

The negligent educatioun of the children of noblemen, and fending them out of the countrey vnder the charge of paedagogues fufpect in religioun, or, at the leift, not weill groundit and confirmit therin, to be brocht vp and inftitutit in places quher Papiftrie is profest.

The impunitie of fkippers, mariners, and awners of fhipes, that, vnder the name of paffingers, transports from vther places, and brings within the countrey Seminarie Priefts, Jefuites, and vther traffiqueing Papifts, with thair coffers, and bookes ; and the impunitie of fick quho convoyes and fparfells the bookes through the countrey.

The decay of Schooles and of the educatioun of the youth in knowledge of good letters and godlines, speciallie a landwart, for lake of provifioun fufficient to intertaine a qualified Schoolemafter in places neidfull.

That men fufpect in religioun, and challengit therfor be thair Prefbytrie and Pafours, hes acceffe to Court dureing the tyme of thair proceffe.

That the late reconcileit Papifts are not vrgeit to performe the conditiouns agreit to be them at thair reconciliatioun to the Kirk.

Remedies of the former Evills.

The Generall Affemblic, having entrit in the confideratioun of the caufes of the faid [great and] fearefull defectioun of all eftates of perfons within this land from the true and fincere profeflion of the Gofpell, [prefentlie]

founding within the same; and having found the principall causes of this change to be, no doubt, the just wrath of God kindlit against this land, for the vnreverent estimation of the Gospell, and for the sins of all estates, and for the dishonouring of their profession, and making the name of God to be blasphemous to the profane world without remorse: quhilk horrible judgements hes fallin in every estate, for the contemptuous heiring of the Word of God, in so farre as ther is none hes worthilie esteimit the said precious Word according to the dignitie therof: Therfor, and for removing of the former evils, and causes, and farther judgements, if they be not prevented by speedie repentance, the Assemblie hes [concludit and] ordainit a generall humiliatioun to be kept solemnlie throughout the hail land, with fasting and prayer in all severall congregatiouns, two severall Sabboth dayes, both in burgh and land, within the realme; and lykewayes in burrow townes, throughout the hail weik betuixt the saids two Sabbothis; and the cause of the said humiliatioun to be [intimat to be] only the sins of the land, be the quhilk the profession of the Gospell hes bein dishonourit, and the wrath of God provokit: quhilk generall humiliatioun is ordainit to be vpon the last two Sabboth dayes of Junij next to come.

The vnplantit kirks wald be effectuellie recommendit to his Majesties care, whose autoritie only is able to accomplish that worke; and, for the better furtherance therof, that his Majestie wald cause take heid that the thrids be kept vnvitiat.

Nothing more necessar nor to have his Majesties house, the Princes house, the Erles houses, and places of thair residence, and vthers places of chiefest importance, as the Towne of Dumfreis, to be weil plantit with learnit, wise, and godlie persons: and quher the laik of provisioun mycht be a hinder to the present planting, as at the Erles houses, it were requisite for a time, that the meitest for that purpose, not being in places quher the cause may be so farre interest be the want of a resident Pastour, should be transportit fra thair awin places, to remaine for ane quarter or halfe ane geir, that ane substantiall meane may be found out for ane constant provisioun and planting of these rowmes, be whose labours, in the meane tyme, the Erles and thair families might be confirmit in the truth, and the enemies debarrit from thair companies, and thereafter to returne to thair awin charges; the Presbyteries, in the meanequhill, taking ordour for the helping of thair kirks in the tyme of thair absence: And to that effect, ordaines Mr George Glaidstones to be direct to awaite vpon the Erle of

Huntlie ; Mrs Alexander Lindfey and William Couper vpon the Erle of Erroll ; Mrs James Law and Johne Spottiswood vpon the Erle of Angus ; Mr Johne Carmichell vpon the Lord Hooke ; Mrs David Lindfey and Johne Hall vpon the Lord Herreis.

That ane petition be givin in to his Majestie and Secreit Counsell, de-fying, that these quhom his Majestie knowis, or fall know heirafter, to deale in favours of profest traffiqueing Papists farther nor the lawes of the coun-trey fall permitt, falbe countit and haldin as men sulpect in religioun, and fall not have the honour to be in his Majesties housse, Counsell, or Ses-sioun.

Item, That it be craveit lykeways of his Majestie and Secreit Counsell, that all Papists, men and women, challengit be the Kirk for thair religioun, and not satisfieand the Kirk for the same, be dischaيرgit from resort to court, quhill they have satisfied, and bring from the Presbytrie of thair bounds a sufficient testimoniall of thair obedience.

Item, For discovering of the adversaries of the true religioun lurking within this countrey, it is ordainit, that every Presbytrie, immediatlie after the dissolving of this present Assemblie, take vp the names of the non com-municants within thair bounds, and send them to his Majesties Ministers with all expeditioun, subscrivit be the Moderatour and Clark of the Pres-bytrie, and Minister of the paroch ; and that from this tyme furth, at every Provinciaill Assemblie, the names of the non communicants be tane vp, and sent to his Majesties Ministers.

Item, That it be inquyrit anent the late reconcilit Lords to the Kirk, be the Presbyteries quher they make residence, whither they have keipit and performit the articles subscrivit be them at thair receiving, and that they be vrgit severallie to performe every ane of the said articles ; and if they re-fuse, that the Presbyteries certifie the Kings Majesties Ministers therof.

Item, For eschewing of farther evill quhilk might come to the estate of the religioun be the evill educatioun of the youth foorth of the country, it wald be cravit of his Majestie and Secreit Counsell, that such noblemen and vthers as directis a paedagogue with thair sonnes furth of the countrie, that thair paedagogue be knowin godlie and of good religioun, [learnit] and instructit in the samein, and approvit of his religioun be the testimo-niall of his Presbytrie : that thair remaining out of the countrey be in the places quher the religioun is presentlie profest, or, at the least, quher ther is no restraint of the same be the crueltie of Inquisiitioun : that dureing the

tyme of thair abſence they fall not haunt any idolatrous exerciſe of religion : and ſuch [as] heſ not the moyen to ſuſtaine a paedagogue with thair ſons foorth of the countrey, that they ſend them to ſuch parts quher ther is no reſtraint [of religion : and in caice thair ſonnes, after thair departing out of the countrey, haunt theſe parts quher the profeſſion of the trew religion is reſtrainit,] that they find caution not to intertaine them : And in cace any that paſſes out of the countrey imbrace any religion except that quhilk is preſentlie profeſt within this realme, that they fall not be able to bruike moyen, heritage, honours, nor offices, within this realme ; and this to be ane exceptionn aganis the ſervice of thair breives, and at the tyme of admiſſioun of them to any office or honours : And in cace any of thair parents contraveine any of the premiſſes, that they incurre ſuch paine as his Maieſtie and Secreit Counſell ſhall modifie ; and that ſuch as are already out of the countrey, [either] be callit back againe befor ane day to be appointit be his Maieſtie and Secreit Counſell, or els that thair parents be ſubiect to the lyke conditionn befor fett downe.

Item, It wald be craveit of his Maieſtie and Secreit Counſell, that all ſkippers, mariners, and awners of ſhips, be inhite that they bring in any Jeſuites, Seminarie Prieſts, declarit fugitive traitours and rebels within the countrey, bot ſuch as they know to be of true religion, or heſ ſufficient teſtimoniall of the honeſtie of thair religion fra the places quher they have bein converſant, vnder the paine of eſcheiting thair hail goods ; and vnder the ſame paine, that they delyver them in the hands of the Magiſtrat of the towne or port, quher they ſhall happin to arryve at, ther to be keipit, ay and quhill they be examinat and tryed, and his Maieſties warrand obtainit for thair libertie after they have bein tryed [and ſand] honeſt in religion ; and ſhall keip them, thair bookes, goods, and geir in ſhipboord, ay and quhill they receive ane warrand from the ordinar Magiſtrate for the releiving of the ſame ; and to that effect, that they fett none vpon land bot in commoun ports, quher ther is ane Magiſtrate to receive the paſſengers from thair hands.

Item, That his Maieſtie be dealt earneſtly with anent the removing of his dochter out of the Ladie Levingſtons companie, in reſpect of her obſtinate continuie in the profeſſioun of Papiſtrie : for the quhilk cauſe, his Maieſtie being requieſted [be] the hail Aſſembly, promiſed that his Hienes dochter ſould be tranſportit, betuixt and Mertimes nixt to come, to his awin houſe.

And becaufe the non planting of kirks is a great part of the wyte of the defectionn from the puritie of religioun ; and that the beſt way for the planting of the ſaids kirks, is the furtherance of the conſtant platt for locall ſtipends to be appointit to every kirk within this realme : Therfor the Affemblic heſe ordainit the brethren following, viz. Mrs David Lindſay, James Nicolfone, Robert Pont, Patrick Galloway, George Glaidſtanes, John Nicolfone, or any thrie of them, to conveine [upon the firſt day of Junij] with my Lords Chancellor, Secreitar, Prefident, Collector, Comptroller, Sir Patrick Murray, and Mr George Young, to treat and advyſe on ſick overtures as, be thair commoun conſent, ſalbe found moſt meit and expedient for advancing of the ſaid work of the conſtant platt, and to lay downe ſuch grounds as they ſhall find moſt meit and profitable for proſecuting of the ſame ; and to report thair diligence to the nixt Affemblic.

Seſſio 3^a. Eodem die.

The Kings Maieſtie having declarit his intentionn and deſyre to have a Miniſter for his Hienes houſe, in reſpect of the deceiſe of Mr John Craig, and John Duncanſones old age, and another to the Queines Maieſties houſe, and ane vther to the Princes houſe, the Affemblic nominat for his Maieſties and the Queines houſe Mrs Henrie Blyth, John Fairfull, Peter Hewat, and Andro Lamb ; for the Princes houſe, Mrs James Nicolfon, James Law, and John Spottifwood.

[The Affemblic ratifies the acts made in the Affemblies of befor, anent the diſcharging of particular applicationns to be made in the exerciſes ; and of the forbidding of young men not admittit to the Miniſtrie to preach in the cheife places of the countrey ; and ordaines the ſame to be put in executionn, under the paine of incurring the cenſures of the Kirk. C. & B.]

Seſſio 4^a. 15 Maij.

The Affemblic adjoynes the Preſbitrie of Kirkudbright to the Miniſtrie of Nithſdaill, ay and quhill ther be ſick a number of kirks plantit within the ſaids bounds as may conſtitute a laſfull Preſbytrie among themſelves.

The Affemblic ordaines the Commiſſioners to recommend vnto his Ma-

jestie the provilion of competent livings to the saids kirks; and nominates Mrs Johne M^cBirney, George Greir, and William Airthur, to be plantit therat.

Anent the questioun referrit fra the Presbytrie of Couper to this present Assemblée, concerning the cause persewit be the said Presbytrie aganis Elizabeth Pitcairne, for satiffactioun of the adulterie committit be her, and provin against her, conforme to the decreit of the forsaid Presbytrie; quho being vrgeit to satiffie the Kirk therfor, product ane decreit of adherence obtainit against her husband before the Commissars of Edinburgh, ordaining her husband to adhere to her, and be consequence exonerin her of adulterie: The Assemblée ordaines the Presbytrie to put thair awin decreit to executioun, notwithstanding the decreit of adherence.

Anent the citatioun vrit be the Presbytrie of Couper aganis the auld Laird of Kynneir, to have ansuerit for the abusing of Mr Robert Inshaw, Minister of Kilmanie, in the solemnizing of the mariage of his dochter, and in antedating of ane testimoniall sent to Mr Henrie Balfour, Minister at Colleslie: The Assemblée, in respect of the Laird of Kynneirs absence, referris the tryall of the said matter to the Presbytrie of Couper.

Sessio vltima. 16 Maij.

It being meanit be fundrie of the brethren, that there was fundrie errors that merited to be correctit in the vulgar translatioun of the Byble, and of the Psalmes in meetter; as also that ther are fundrie prayers in the Psalmes Booke quhilk wald be altered, in respect they are not convenient for the tyme: In the quhilk heids the Assemblée hes concludit as followis:

First, Anent the translatioun of the Byble: That every ane of the brethren quho hes best knowledge in the languages, imploy thair travells in fundrie parts of the vulgar translatioun in the Byble, that neids to be mendit, and to conferre the same together at the Assemblée.

Anent the translatioun of the Psalmes in meetter; It is ordainit, that the same be revisit be Mr Robert Pont, Minister at Sanct Cuthberts Kirk, and his travells to be revisit at the next Assemblée.

It is not thocht good that the prayers already contenit in the Psalmes Booke be altered or delatit; bot if any brother wald have any vther prayers

eiked, quhilk are meit for the tyme, ordaines the same first to be tryed and allowed be the Assemblie.

The Generall Assemblie, for causes and considerations moving them, hes ordainit Mrs James Balfour, Walter Balcanquell, and William Watson, to be transportit out of their awin places of their Ministrie in Edinburgh, and plantit in such places as the Commissioners deput be this present Assemblie think expedient: And lykeways ordaines the said Commissioners to plant such vthers of the Ministrie in their places in the Kirk of Edinburgh, as salbe found expedient for the advancement of the glorie of God within the same.

The Commissioners for the Towne of Edinburgh, viz. Johne Johnstoun and George Heriot, protestit in the name of the said Towne, that seeing the Generall Assemblie hes ordainit their Ministers above namit to be transportit furth of Edinburgh, the said Towne sould be frie of their burdein fra this tyme of their present transportatioun; and that the said transportatioun sould not be prejudiciall to them in any tyme heirafter, bot that they might be reponit in their awin places, quhen it sould please his Majestie and the Kirk to lyke weill therof: quhilk protestatioun his Majestie and the haill Assemblie willinglie aggreit vnto; quhervpon the said Commissioners askit instruments.

The Assemblie hes ordainit, that, in every Assemblie to be conveyit in all tyme comeing, such as fall happin to be appointit Commissioners from the Generall Assemblie to indure quhill the Assemblie nixt thereafter, fall give ane accompt of their proceedings dureing the haill tyme of their commissioun, in the beginning of the Assemblie, befor any vther cause [or matter] be handlit; and their proceedings to be allowit or disallowit as the Assemblie fall think expedient.

The Generall Assemblie having rypelie weyt the necessitie of the appointing Commissioners fra this present Assemblie, not only to advyse and awaite vpon such affairs as salbe for the weill and vtilitie of the Kirk of God, bot also for giving advyse to his Majestie anent the halding furth of the enemies of the famein, quhen they salbe requyrit be his Hienes therto: Therfor, the brethren conveyit in this Assemblie hes givin and grantit, lykeas, be the tenour heirop, gives and grants their power and commissioun to thir brether, viz. Mrs Alexander Dowglas, Johne Strauchane, Peter Blackburne, George Monro, James Nicolfone, Andro Leitch, Alexander

Forbes, Patrick Simfone, William Couper, Alexander Lindfay, George Glaiditanes, William Scott, Johne Caldeleugh, Robert Wilkie, David Lindfay, Robert Pont, Johne Spottiswood, Johne Hall, James Law, Johne Knox, Johne Abernethie, Johne Hay, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay, and the Kings Majesties Miniſters, or any nyne of them ; giveand, grantand, and committand vnto them thair full power to plant ſuch kirks in Burrow Townes as are deſtitute [of Paſtours] in generall, and ſpeciallie to plant the Kirk of Edinburgh, quhich is vacand be transportation of the Miniſters therof ; with power alſo to plant Mrs James Balfour, Walter Balcanquell, and William Watſone, Miniſters tranſportit out of Edinburgh, with his Majesties advyce, in ſuch convenient places as they ſould find expedient for the glorie of God ; with power alſo to tranſport any of the Miniſtrie within the realme from thair awin places quher they preſentlie ſerve, and to plant them in the ſaid vacand places of the Kirk of Edinburgh ; in the planting quherof they ſhall take the advyce of the Preſbytrie of Edinburgh, according to the acts and ſtatutes of the Generall Aſſembly made of befor :

Attour, If it ſhall happin the Kings Maſteſtie to be greivit at any of the Miniſtrie for quhatſoevir enormitie committit be any of them aganis his Maſteſtie, with power to them, or any nyne of them, as ſaid is, to try and cognofce thervpon, and to take ſuch ordour theranent as they ſhall find moſt meit to the glorie of God and weill of his Kirk :

And, finallie, with power to them to preſent the greives and petitionous of this preſent Aſſembly to his Maſteſtie and Secreit Counſell, and generall Conventioun of the Eſtates and Parliaments, if any ſhall happin to be ; and to crave redreſſe of the ſamein : Promitten de rato.

The Aſſembly ordaines Mrs James Nicolſone, James Robertſone, Alexander Lindfay, and William Couper, to take tryall anent the vnioun of the kirk of Forgundie to the paroch of Arngolk ; and if they find the ſamein to have been done of auld, and [to be] commodious for the peple, to ratifie the ſame.

Forſameikle as, in the Generall Aſſemblies haldin of before, it hes been verie wiſelie conſiderit, that ther hes been nothing more profitable for advancing of the glorie of God by the preaching of the Goſpell, then appointing of Commiſſioners for every ſchyre within this realme, whoſe care and diligence ſould be partly to try the life, doctrine, and manner of converſatioun of the Miniſtrie in the bounds committit to thair viſitatioun ; and partly to

plant the kirks quhilk as get ly destitute of the comfort of the Word, be dealing with such as hes the Kirk livings in thair hands, for ane reasonable moyen to sustaine a Minister at every kirk within this realme : quhilk love-able custome this present Assemblie being myndfull to profecute, therfor hes givin and grantit, lyk as, be the tenour heirof, gives and grants thair full power and commissioun to thir brethren, [to visit the bounds particularly after [specified,] viz. to Mrs Robert Pont and Robert Durie for Orkney and Zetland ; to Mr George Glaidftanes for Catlines and Sutherland ; to Mrs Alexander Dowglas and Alexander Rawfone for Rofs ; to Mrs George Hay and Andro Crumbie for Murray ; to Mr George Glaidftanes for Aberdein ; for Angus and Merns, Mrs Robert Wilkie and James Nicolfone ; for Perth and Stratherne, Mrs Thomas Dowglas and Johne Fairfull ; for Fyfe, Mrs James Nicolfone and Robert Howie ; for Louthian, Mrs Patrick Simfone and Harie Livingstoun ; for Mers and Teviotdaile, Mrs James Gibfone and Adame Colt ; for Cliddisdail, Mrs David Lindfay and Johne Spottiswood ; for Irwing and Air, Mrs Gawin Hamiltoun and Andro Knox ; for Annandail, Mrs Jobne Knox, Patrick Shaw ; for Nithefdaile and Galloway, Mrs David Barclay, Alexander Scrymgeour, and Nathaniel Inglis : with power to them to try the brethren of the Ministrie within the bounds particularlie above designit, in thair lyfe, doctryne, qualification, and conversatioun ; and how they have be- havit themselves twiching the rents of thair benefices, whither they have fett tacks of the same, but consent of the Generall Assemblie, or not, and so dilapidat the same ; to depose such as deserves depositioun ; to plant Ministers in such places as hes not bein plantit heirtofore : and to that effect to deale with the taksmen of every paroch kirk for provisioun of ane Minister to thair kirks ; and to report to the nixt Generall Assemblie ane answere of the taksmen in write, containing the planting of the kirks quher- of they possesse the teinds ; and to report thair diligence to the nixt Assemblie ; Prommitten de rato.

The nixt Assemblie is appointed to be haldin at Sanct Androes, the last Tuesday of Julij, the zeir of God 1602 zeirs.

[The General Assembly appointed to be haldin at Sanct Androes the last Tuesday of July, was prorogued be the King to the tenth of November by proclamations at the Mercat Crosses. C.]

A.D.MDCII.

THE Generall Afflemblie of the Commiffioners from the Prefbitrics of the Kirk of Scotland, haldin at Halierudehous the 10 of November 1602: In the quhilk, the Kings Majestie being perfonallie present, were conveyit the Commiffioners following.

COMMISSIONERS WITH THE KING.

The Secreitar.
Thefaurer.
Collectour.

Comptroller.
Sir Patrick Murray.

For the Ministrie.

ORKNAY.

Mr Robert Pont.

CATHNES.

Mr George Glaidftanes.

ROSE, MURRAY.

Mr Alexander Rawfone.

ABERDEIN.

Mr Peter Blackburne.	Mr Johne Rofs.
Mr Archibald Blackburne.	Mr James Milne.
Mr David Rait.	Mr Abraham Sibbald.
Mr Richart Rofs.	Mr Alexander Hay.
Mr John Strauchane.	

MERNES.

Mr John Erskine.	Mr James Sibbald.
Mr Alexander Forbes.	

BRECHINE.

Mr Andro Leitch.	Mr Jofua Durie.
Mr Johne Merfchell.	

ABERBROTHOCK.

Mr Patrick Lindfay.	Mr Henrie Philip.
Mr Arthur Foothie.	

DUNDIE.

Mr Robert Howie.	Mr Andro Clayhills.
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MEGLE.

Mr James Anderfoun.	Mr David Browne.
Mr Johne Barclay.	

PERTH.

Mr James Rofs.	Mr Alexander Hoome.
Mr Archibald Moncreiff.	Mr Johne Edmestoun.
Mr William Row.	Mr William Glaffe.
Mr Adame Ballandyne.	Mr Silvefter Rattray.

SANCT ANDROES.

Mr James Melvill.
Mr John Carmichell.

Mr Robert Durie.

VNIVERSITIE THEROF.

Mr James Mertin.

COUPER.

Mr Thomas Douglas.
Mr Robert Buchannan.

Mr William Cranftoun.

KIRKADIE.

Mr William Scott.
Mr Johne Michelfone.

Mr David Spens.

DUMFERMLING.

Mr Johne Fairfull.
Mr Johne Cauden.

Mr Edmond Myles.

EDINBURGH.

Mr James Balfour.
Mr Walter Balcanquell.

Mr William Aird.

LITHGOW.

Mr Thomas Peebles.
Mr Robert Cornwell.

Mr George Inglis.

DALKEITH.

Mr George Ramfay.
Mr Archibald Simfone.

Mr Adam Colt (Scot?)

HADDINGTON, DUMBAR.

Mr Edwart Hepburne.

Mr Richard Ogill.

PEBLES.

Mr Johne Ker.

MERS.

Mr Johne Clappertoun.

Mr William Clerk.

Mr Tobias Ramfay.

Mr Johne Knox.

Mr William Methven.

Mr James Dais.

Mr Alexander Gaites.

Mr Johne Smith.

Mr Johne Abernethie.

GLASGOW.

Mr Andro Boyd.

Mr Williame Levingftoun.

VNIVERSITIE THEREOF.

Mr Patrick Sharp.

PAISLAY.

Mr Johne Hay.

DUMBARTAN.

Mr William Simfone.

HAMILTOUN.

Mr Johne Howifone.

Mr Patrick Walkinschaw.

LANERICK.

Mr William Birnie.

Mr Robert Bannatyne.

AIR.

Mr George Dumbar.

Mr Johne Welfch.

Mr Nathan Inglis.

IRWING.

Mr Hew Fullertoun.

DRUMFRIES.

Mr Robert Hunter.

Mr Richard Browne.

Mr Johne Browne.

KIRKKUDBRYT.

Mr William Hamiltoun.

WIGTOUN.

Mr Robert Wallace.

Mr Mathew Reid.

BURROWIS.

EDINBURGH.

Mr Johne Robertfone.

Mr George Heriot.

DUNDIE.

Mr William Fergusone.

SANCT ANDROES.

Mr William Ruffell.

LEITH.

Mr Jerome Lindfay.

Mr David Orok.

BRUNTILAND.

Patrick Greiff.

COMMISSIONERS OF THE GENERALL ASSEMBLIE.

Mr Alexander Dowglas.

Mr Robert Wilkie.

Mr George Mouro.

Mr David Lindfay.

Mr James Nicolfone.

Mr Johne Hall.

Mr Patrick Simfone.

Mr James Law.

Mr William Couper.

Mr Gawin Hamiltoun.

Mr Alexander Lindfay.

Mr Alexander Scryngeour.

Mr Johne Spotilwood.

Mr David Barklay.

Mr Johne Calcleugh.

Acta Sessione prima.

Exhortatioun being made be Mr Johne Hall, Moderatour of the last Affemblie, the Affemblie, after the accustomed manner, proceedit to the electioun of the Moderatour of this present Affemblie; and, after nominatioun of the brethren following, viz. Mrs Patrick Sharp, Patrick Galloway, James Balfour, and Johne Carmichael, out of the quhilk number the Moderatour sould be chofin; be pluralitie of votis the said Mr Patrick Galloway was chofen Moderatour hac vice.

The houres appointit to conventioun, to be nyne houres of the morning for the privie conference; and elevin houres for conveyning of the Affemblie, and to sitt quhill four houres afternoone.

The Affeffours appointit to conveine with the Moderatour in the privie

conference, for treating of such things as are to be concludit in the Affembly, are Mrs Johne Hall, Robert Pont, George Gladstones, David Lindfay, Alexander [Rawlone,] Peter Blackburne, Johne Strauchan, David Rait, Alexander Forbes, James Nicolfone, Robert Howie, James Melvill, Robert Wilkie, Johne Carmichael, Alexander Lindfay, William Glasfe, Patrick Sharp, James Balfour, Walter Balcanquell, James Law, Johne Spottiswood, Johne Clappertoun, John Knox, David Barklay, William Hamiltoun, Nathaniel Inglis, Johne Hay, Andro Lamb.

Sessio 2^a. Eodem die.

The said day, being callit Mr George Gladstones, Minister of Sanct Androes, quho was direct be the last Affembly to have remained for ane quarter or halfe ane zeir with the Marqueis of Huntlie, to the effect that, be his travells and labours, the said Noble Lord and his familie might be informit in the Word of Trueth presentlie profess within this realme, and the enemies therof debarrit from his companie, to give ane accompt of his diligence in the said commissioun, the said Mr George compeirand, declarit, that, at the tyme of his journeying northward for visitatioun of the Presbyteries of Cathnes and Sudderland, he addrest himselfe to the Marqueis of Huntlie, and remained with him the space of thrie dayes, duering the quhilk tyme he conferrit with him anent the contravertit heids of religioun, and defyrit of his Lordship that he wald shew him quherin he doubtit, that to the effect be his conference he might be resolvit of such heids quherof he was not as yet fullie satisfied, quhilk his Lordship promised to doe at his back coming : and lykeways having demanded, why his Lordships kirks were not plantit, and why he resortit not to the preaching at the ordinar tymes in paroch kirks ?

To the first he answerit, That the non planting of his kirks proceids vpon the not giving licence to the Persons of the saids kirks to renew his taks, conforme to the promise made to his Lordship be the Commissioners of the Affembly, at the tyme that his Lordship grantit to the augmentatioun of the rents of the said kirks.

As to the second, He could not weill resort to the paroch kirks, partlie, in respect of the meane rank of such as were within the paroch, and partlie, in respect his Lordships predecessours were in vse to have a chappell in

thair awin houfe, quhilk he was myndit to profecute now, feeing he was preftentlie repairing [to] his houfe of Strathbogie.

The faid Mr George being demandit, why he made no longer refidence with his Lordfhip, conforme to his commiffioun, anfwerit, that he could not, becaufe the Marqueis of Huntlie was vpon his voyage fouthward, at his Majefties directioun, for reconciliatioun of the feid betuixt him and the Erle of Murray; quhilk feid was the caufe that his Lordfhip could not communicat.

Being callit lykewayes Mr Alexander Lindfay and William Couper, Commiffioners appointit be the laft Affemblie to awaite vpon the Erle of Erroll for the effect forfaid, compeirand Mr Alexander Lindfay, declairit, that he had awaitit vpon the faid Noble Lord dureing his remaining in the Carfe of Gowrie, and that he fand him a diligent heirer of the Word: and having requyrit of him, if he doubted of any thing, his Lordfhip anfuerit, That, at the tyme of his reconciliatioun, he did the famein vnfainedly, and had caftin all fcruples away. As concerning the planting of his kirks, that he had provydit the famein of his awin benevolence; and that he wald communicat at fick tyme as the facrament fould be miniftrat at any of his awin kirks, quherat his refidence fould be for the tyme.

Being callit Mr Johne Spottifwood and James Law, Commiffioners appointit to awayt vpon the Erle of Angus, Mr Johne Spottifwood exculit himfelfe, becaufe he was directit be his Majeftie to awaite vpon the Duke of Lennox in his ambaffadrie to France; in refpect quherof, Mr James Law, being appointit Commiffioner conjunctlie with the faid Mr Johne, could doe nothing him alone: but becaufe it was reportit be the hail brethern of thefe parts quher the faid Erle does haunt, that he did neither refort to the heiring of the Word, nor participatioun of the facraments, bot, be the contrair, maintaintit profest enemies to the religioun in his companie, fick as ane Mr Charles Browne; therfor, to advife in the conference for remeid therof.

Being callit Mr John Carmichaell, Commiffioner appointit to awaite vpon my Lord Hoome, declairit, that he execute no part of his commiffioun, be reafon of the faid Lords abfence fouth of the countrey.

The lyke excufe was vrit be Mrs David Lindfay and Johne Hall, quho were appointit to await on my Lord Herreis, in cace that he repairit to Edinburgh, declairing, that the faid Lord remainit but a verie fhort fpace in the faid towne.

Anent the Commissioners appointit be the last Assemblie to awaite vpon the constant platt: My Lord Collettour being present, declarit, that the stay of that worke proceedit vpon the default of the Presbyteries, quho, for the most part, had never returnit ane answer of his Majesties letters direct be his Commissioners of the constant platt, without the quhilk they could not proceed: and, therfor, the Assemblie ordaines sick as had not reportit thair answers, to produce them the morne.

Anent the Commissioners appointit for visitation of Presbyteries: The Assemblie ordaines them to give in thair diligence in wryte the morne, that the samein may be tryit and considerit be the Assemblie. And because ther hes bein slack, or no execution of sick Commissions in tyme bygane, be reason of carelesnes of sick as were appointit to accept the same: Therfor, it is ordainit, that, in tyme coming, sick as false appointit Commissioners, fall accept the commissions on them, and promise be thair aithes, in face of the Assemblie, to doe thair honest and faithfull diligence in the execution therof; and to report the samein to the next Assemblie in wryte, vnder the paines containit in the acts of the Generall Assemblie.

Being callit the Commissioners of the Generall Assemblie to give ane account of thair proceedings sen the last Assemblie, they were ordainit to give in thair diligence in wryt the morne.

The quhilk things being considerit be the hail Assemblie, it was thocht most expedient, that certaine qualified persons be chosin out of the Ministrie, for planting of such parts of the countrey as are destitute of the Word of God; and speciallie, that qualified men be chosin out to be appointit Ministers to the particular families of the said Noblemen: and lykeways that the cationers of these quho were suspect of religioun, and were ordainit be his Majestie to passe off the countrey, be straitit conforme to thair band, and speciallie for Patrick Butter, Patrick Mortimer, and vthers, and themselves [to] be lykeways chargit for breaking of the said band.

Seffio 3^a 11 Novembris.

Anent the summonds raisit at the instance of the Provinciall of Lowthiane and Tweddall, aganis Dame Helenour Hay, Countes of Lithgow, makand mentioun, That in the processe of excommunicatioun led and deduceit against her, be the Presbytrie of Lynlithgow, sho made appellatioun

from the said Presbytrie to this present Assemblie, and therfor ordaining her to be summondit to [compeir besor] this Assemblie, the thrid day therof, to prosecute her appellatioun, with certificatioun, and she failziet, the Assemblie wald allow of the proces led and deduceit aganis her be the said Presbitrie, as at mair lenth is conteinit in the saids summonds, of the dait, at Edinburgh, the 3 of November 1602: The same being callit, the Assemblie continues the same in the selfe same force and effect to the morne.

The brethren appointit for visitatioun of the Presbitries in the last Assemblie, quho were ordainit this day to produce thair diligence in wryte, being callit, compeirit Mrs David Lindsay and Johne Spottiswood, Commissioners for Cliddisdail; Mr Andro Knox, Commissioner for Air; Mrs James Nicolfone and Robert Howie, Commissioners for Fyfe; Mr Robert Durie, Commissioner for Orknay; and Mr George Glaidstanes, Commissioner for Cathnes; and produceit thair diligence in wryte. The rest of the saids Commissioners either were not present, or had done no diligence. Quibiks diligences productit, the Assemblie ordainit to be visited be the brethren, Mrs Johne Hall, Walter Balcanquell, Patrick Walkinshaw, Archibald Moncrieff, and James Anderson, and thereafter to report what they have found in it to the haill Assemblie.

The said day, the Commissioners quho were appointit in the last Assemblie, for planting of burrowes tounes vacand, and awaiteand vpon his Majestie, quho were ordainit this day to produce thair diligence [and proceedings in wryte,] to the effect they might be tryit be the brethren, and either allowit or disallowit, [conforme] as they deserved, being callit, they compeirit; and, in name of the rest, Mr James Nicolfone, Minister at Miple, produceit thair haill proceedings in wryte; quhilk being [openly] read in presence of the haill Assemblie, and the brethren being demandit be the Moderator, if they had any thing to say against the samein, or against them in any vther heid quathsumevir: Efter the particular votes of every one of the Commissioners was speirit, the Assemblie allowit of the said proceedings, and thankit God for the same.

The quhilk day, the brethren conveyit in this present Assemblie having considerit, that nothing is more necessar for the advancement of Gods glorie and his true religioun within this realme, then that the cheife rowmes and places within the countrey, such as are noblemens houses and families, be plantit with learnit and discreit Pastours, able not only to instruct and confirm the said noblemen, thair wyves, children, and families, in the true

feare of God, and heids of sincere religioun profest presentlie within this realme, bot also quho may, be thair provident care and diligence, procure that the families of such noblemen be not corruptit with the companie and banting of profest Papists, Jesuities, [and vther] Seminarie Priests, quho goes about daylie to smore and put out the spunks of true religioun and knowledge of God kindlit in the saids noblemens hearts; and because presentlie such men cannot be found to vndertake the charge of the saids noblemens houfes, as said is: Therfor, the Assemblie hes thoct good, that, for a tyme, brethren meitest for the purpose sould be borrowit from thair awin places, to remaine for the space of a quarter of ane zeir continually with the saids noblemen, be whose labours in the meane tyme, quhill ane constant and permanent provisioun may be found out for the planting of these rowmes, the saids noblemen and thair families may be confirmit in the trueth, and the enemies therof debarrit from thair companies; and therafter to return to thair awin charges; and in the meane tyme, that the Presbitries take ordour that thair places be furnischt dureing thair absence: And, therfor, they have electit and nominat the brethren following to awaite vpon the saids noblemen dureing the space forsaide, viz. Mr William Scott, Minister at Kennoquhy, to remaine with the Marqueis of Huntlie; for the Erle of Erroll, Mr Alexander Lindsay; for the Erle of Angus, Mr James Law; for the Lord Hoome, Mr John Carmichaell; for the Lord Maxwell, so long as he remaines in the Castle of Edinburgh, Mr Henrie Blyth; for the Lord Hereis, Mr Robert Wallace; for the Lord Semple, the Presbitrie of Irwing, so long as he remaines within the same; and in cace he remaine within the Presbitrie of Paislay, the said Presbitrie to awaite vpon him; and lykeways for the Erle of Sutherland, the Presbitrie of Edinburgh, in cace he make his residence within the same: And in cace any of the noblemen make their residence any tyme in Edinburgh, or within the Presbitrie therof, the Assemblie ordaines the Presbitrie of Edinburgh to direct twa brethren of thair number, with the lyke power as the brethren above specifit, to awaite vpon every ane of the saids noblemen that false found resident within thair Presbitrie: quhilks brethren forsaide, and every ane of them, shall receive the articles in wyte fra this Assemblie, quherin they shall travell with the saids Noblemen. Quhilks articles the Assemblie ordaines to be pennit be Mrs James Melvill, James Nicolfone, Johne Carmichaell, Patrick Galloway, William Scott, and Alexander Lind-

say, to be givin in the morne to the Assemblée, that the brethren may consider the samein. The tenour quherof followis.

Instruētious for the brethren appointit be the Generall Assemblée to attend vpon the Marqueis of Huntlie, the Erles of Angus and Erroll, the Lords Hooke, Herreis, and Maxwell.

First, Ye fall addresse yourselves with all convenient diligence and necessar furniture to entir in their companie and families, ther to remaine still with them for the space of thrie monethis continuall; during the quhilk tyme your principall care shalbe, by publick doctrine, by reiding and interpretation of the Scriptures ordinarlie at their tables, and by conference at all meitt occasiouns, to instruct themselves in the hail grounds of true religion and godlines, speciallie in the heids controvertit, and confirme them therein.

2. Take paines to catechise their families ordinarlie every day, once or twyse at the leist, or so oft as may serve to bring them to some reasonable measure of knowledge and feeling of religion, befor the expyryng of the tyme prescrivrit for your remaining ther; and let this actionn begin and end with prayer.

3. Prease to have their houses purgit of all persons living inordinately, whose evill example might be a slander to their professioun, speciallie such as are of suspect religion, and found any wayes bussie in traffiqueing aganis the trueth, and quyetnes of the estate of the countrey; and be carefull to have all sick persons furth of their houses and companie.

4. Travell to have their kirks plantit with sufficient provisioun of stipends, and weil qualified persons; and procure, that, be their authoritie and assistance, the discipline of the Kirk may have executioun within their bounds.

5. Perswade them to make honest provisioun of stipends for the intertainment of resident Pastours at their houses and cheife dwelling places; and to make choise of learnit, grave, and wyse Pastours, to be plantit therat.

6. Urge performance of the articles agreeit vpon and subscrivrit at the tyme of their reconciliatioun, and registrit in the bookes of the Assemblée, quheroutof ye fall extract them.

7. Informe the Kings Majestie fra tyme to tyme, how they have profited,

and quhat companie reforts to them, and quhat difpofitiouns thair companies are of.

Qubilks articles being red in audience of the Affemblie, the brethren approvit the famein, and ordainit them to be infert, with the commiffioun given to the Miniſters appointit to remaine with the faids Lords, in the bookes of the Affemblie.

The brethren appointit to viſite the diligence of the viſitours appointit in the laſt Affemblie, finds fault, that in all thair diligences produceit, except of Caithnes and Fyfe, the viſitors hes not exactlie tryed the lyfe, doctrine, and converſatioun of every Miniſter at his awin kirk and be his awin flock, but nakedlie and flanderlie be a generall view at the Synodall Affemblies; quhilk the Affemblie finds fault with, and ordaines to be amendit in tyme comeing.

The quhilk day, the brethren conveynit in this Affemblie, having rypelie weyit how neceſſar it is, that ane general viſitatioun be for inquiring in the lyfe, doctrine, qualificatioun, and converſatioun of every ane of the Miniſtrie in particular; the quhilk albeit it was committit to the charge of the viſitours appointit be the laſt Affemblie, nevirtheles they, or at the leaſt the moſt of them, hes done ſmall or no diligence in the executioun of that profitable worke committit to thair charge, excuſit partlie be infirmitie and ſeiknes, and partlie be vther neceſſar affaires, quherin they were imployit, as they alledgit: Therfor, the Affemblie, not willing that ſuch a neceſſar and profitable worke ſould want the awin good execution [and ſuccesſ,] hes nominat, and be thir preſents nominats thir brethren following, thair verie lauffull Commiſſioners for viſitatioun of the bounds vnderwrytin, every ane of them for thair awin parts, as they are particularlie deſignit; viz. for Orkney, Mr Robert Pont; for Caithnes and Sudderland, Mr George Glaidſtanes, Mr Alexander Rawſone; for Roſs, Mr David Lindſay; for Murray, Mrs Peter Blackburne, Abraham Sibbald; for Aberdeen, Mrs William Scott and Alexander Lindſay; for Angus and Mernes, Mrs Robert Wilkie and James Melvill; for Perth and Striveling, Mrs James Mertin and Johne Caldecleugh; for Fyfe, Mrs James Nicolſone and Robert Howie; for Lauthiane, Mrs Patrick Sharp, Johne Couper; for Mers and Teviotdaill, Mrs Johne Carmiehaell and James Law; for Cliddifdaill, Mrs Johne Spottifwood, William Airthur; for Irwing and Air, Mrs Andro Boyd, Johne Hay; for Nitheſdaill and Annandaill, Mrs Johne Knox, Patrick Shaw, and Johne Smith; for Galloway, Mrs Johne Welſh, Hew

Fullertoun; for Argyle, Mrs Andro Knox, Andro Lamb: Giveand, grantand, and committand to every ane of them conjunctlie, and in cace of feiknefs of any ane of them, with power to the vther, &c. to try the brethren of the Ministrie within the bounds particularlie above committit to every ane of thair charges respectivé, in thair life, doctrine, qualificatioun, and conversatioun, and how they behave themselves touching the rents of thair benefices, whither they have sett takis of the samein but consent of the Generall Assemblie, or not; and so incurrit the censure of dilapidatioun; with power also to try the Presbitries within the saids bounds, if they have kept thair ordinar conventiouns, and particular visitatiouns of thair awin kirks, and visit and exerciseit all such things as belongs to the Presbitrie: with power also to them to try every particular congregatioun within the bounds committit to thair visitatioun; and generallie, to try every ane of the Ministrie, Presbitries, and Congregatiouns, conforme to the particular ordour of visitatioun sett downe in this Assemblie. And in cace any fault or enormitie be found be them in any of the saids visitatiouns committit to them, with power to censure the samein according to the act of the Generall Assemblie; and as they proceed in thair said visitatioun, that they report thair hail proceffe and diligence to the next Generall Assemblie: Promitten de rato, &c.

Sessio 4^a 12 Novembris.

The said day it being considerit be the Assemblie, that for inlake of ane constant and vniforme ordour of visitatioun of Synods, Presbitries, and particular kirks, the labours and travells takin hitherto hes been almost vnprofitable and ineffectual: Therfor, that ane solid ordour may be takin and generallie observit in visitatiouns in all tymes comeing throughout the hail kirks within this realme, the Assemblie ordaines the brethren following, viz. Mrs Robert Pont, Patrick Galloway, James Carmichaell, William Scott, Alexander Lindsay, to advyse anent the subiect of visitatiouns, and the forme and ordour of proceffe that shalbe vlit in the same in all tyne coming, and to produce the samein in wryte to the Assemblie the morne.

The quhilk day the brethren haveand considerit the great travells and paines takin be thair brother, Mr Johne Howefone, Minister at Cambullang, in ansuering to Bellarmine in thrie fundrie volumes, and how profitable

the same wilbe to the Kirk of God, quhilk he presentit to the Assemblie, defyreing the same to be revisit be them, to the effect, if they be found worthie, they may be put foorth in print; they appointit the said worke, first, to be revisit be Mrs Robert Howie, James Nicollson, and James Robertson; therafter, be Mr Andro Melvill; and last, be Mrs Robert Pont and Johne Hall; and to report to the next Assemblie: quhilk bookes are presentlie delyverit to Mr Robert Howie.

Anent the constant platt: The brethren appointit to sitt thervpon with his Majesties Commissioners being demandit, quhat effect thair travells had takin in the same, they producit the conclusioun of the Commissioners of the said platt, resolving in 3 heids, out of the quhilk ane could be chofen, as the most ready way for effectuating the said work; quherof the tenour followis.

Overtures of the Commissioners of the Plat to be advisit with his Majestie.

If everie Ministers stipends being assignit out of the fruites of the Kirk quher he serves be the benevolence of the takinen, that they fall grant to the augmentatioun of the said stipend.

If ther salbe ane perpetuall securitie made to the said taxmen of thair teinds, vpon a speciall greffome to be condiscendit vpon for ilk chalder, for the space of xix zeirs; and to be renewit geirlie therafter, for the said space, for the lyke greiffome, upon this conditioun, that the said principal tackfmen fall grant and renew the lyke securitie to thair subtakfmen, for payment of thair part of the said greiffome pro rato, quher any subtaks are.

Or if the great benefices salbe provydit to Ministers vpon this conditioun, that all the kirks of the Prelacies be plantit with sufficient Pastours, and be provydit with competent livings, as the modifiers of the constant platt fall think expedient, and he to pay the Kings Majestie geirlie the tent part of the fruites of the saids benefices, quhilk fall rest by and attour the sustentatioun of the saids Ministers; and that all the inferiour benefices salbe provydit to Ministers serving the cure of the saids kirks, as weill Personages as Viccarrages.

Or if all the great benefices salbe dissolved, and the Prelat to have the principall kirk of the Prelacie with the temporal lands therof; and the rest of the kirks to be provydit with qualified Ministers; and the said Prelate

and titulars of the saids kirks to pay ane geirlye duction to his Majestie, as the benefice may beare at the sight of the Commissioners forsaids.

Quhilk overtures beend red in the sight of the Assemblie, it was ordainit, that every Synod shuld have a copie of them, to be advysit therewith vntill the morne, that they might give thair advice to his Majestie, quhilk of the thrie were most meitt to be imbraceit.

Anent the referris and petitionis of the Synod of Fyfe givin in to this present Assemblie, to be advysed vpon be the samein : The brethren nominats Mrs James Melvill, Johne Carmichaell, Robert Durie, William Scott, Johne Cowden, Johne Fairfull, James Nicolson, Andro Lamb, Robert Howie, Patrick Sharp, George Gladstones, and Johne Spottiswood, to convene the morne at aucht houres, and advyse vpon answers for satisfaction of the said petitionis, and to report the samen to the Assemblie.

The Articles of the Synod of Fyfe.

1. It wald be meinit be the Generall Assemblie, that the Generall Assemblies are not ordinarly keipit, notwithstanding of the acts of Parliament and Generall Assemblie, and necessitie of the tyme; bot the dyetts therof altered without the knowledge of the Presbitries and Synods.

2. That Ministers are callit befor his Hienes Secreit Counsell, in prima instantia, for doctrine and discipline; quhilk is a great encouragement to the enemies.

3. That all applicatiouns in Exercises of Presbitries is found fault with, vnder pretence of the act of the Generall Assemblie; the quhilk act therfor wald be lightit and cleirly interpretit.

4. That the government of the cheife matters of the Kirk continues in the hands of a few number, vnder the name of a Commissioun, to the prejudice of the liberties of the Synods and Presbitries.

5. That the Doctours bearing ordinar calling in the Kirk, be the discipline and custome therof, are debarrit from the Assemblies.

6. That the Assemblie hes takin no tryall hithertill, anent the cautious sett downe for avoiding of corruption in the Commissioners, [voters] in the Parliament.

7. That the absence of the Pastours of Edinburgh, [and the] alteration of the Ministrie therof, quhilk was the cheife watch tower of our Kirk, hurts greatlie the cause of religioun, and encourages the enemies.

8. That ther is diftraçtioun of opiniouns different from that consent of hearts, quhilk hes bein in the Kirk befor, in weghtie caufes ; and over litte confideratioun, deliberatioun, and reafoning had, quherby conclufions paffe, almoft the halfe of the brethren gainfaying.

9. That the land is defylit, and the Kirk endamnagit, by the French Ambaffadours mefs.

10. Excommunicat perfons for Papiftrie fufferit to haunt the countrey publickly and peaceably.

11. That the noblemen latelie relaxit fra excommunicatioun for Papiftrie, gives no token of the profeffioun of the trueth, but rather the contrair.

12. That apprehendit Papifts direçtiouns and letters are kept clofe ; and the danger imminent therby to the Kirk not communicat to the watchmen, quherby they may make faithfull warning, and prevent the perrill.

13. That the difcipline of the Kirk againft murther, inceft, and adulterie, is not praçtifed, [nor execute] with that holie feueritie that becomes ; notwithstanding of the frequent remiffions obteneit be criminall perfons, for efchewing of civill punifhment.

14. That the remedies fett downe aganis apprehendit dangers, at diverfe tymes, and at diverfe meitings of the Kirk, are not followed foorth.

Anent the aët made of befor aganis lick perfons as abftaines from the holie communioun, either for Papiftrie, or for the colour of deadlie feids : The Affembly ordaines, that every ane of the Miniftrie keip this ordour following [within his kirk,] to wit, That he warne lick perfons, be the fpace of moneths befor the communioun, to compeir be themfelves for the famein ; quhilk beand done, and they diffobey, that every Minifter incontinent therafter fend the names of the diffobeyars fubferivit with his hand to ane of his Majefties Minifters, quha fall intimat the famein to his Majeftie and his Hienes Thefaurer, to the effeët that his Hienes Thefaurer may put the aëts made aganis non communicants to executioun aganis them ; and that everie Prefbitrie command the Minifters within thair Prefbitrie to be diligent in the execution of this aët.

Becaufe it was meinit be the brethren, that the fupplicatioun made in the laft Affembly to his Majeftie anent the restraining of the libertie of noblemen and gentlemens fonnes, that paffes foorth of the countrey to fuch places quher ther is restraint of the true religioun, Therfor his Majeftie declairit, in prefence of the hail Affembly, that he wald give a command to the Secrei-

tar, that he ſould ſubſcryve no warrand for paſſing of noblemen or gentlemen ſonnes forth of the countrey, except they firſt ſand caution conforme to the tenour of the act made in the laſt Aſſembly, anent paſſing of gentlemen ſonnes forth of the countrey.

The ſaid day, the Kings Maſteſtie having declairit that it was requiſite that his Hienes had another Miniſter adjoynit to his houſe, to the effect the Prince might be brought vp in the true religioun, Therfor the Aſſembly tranſports Mr James Nicolfone from the kirk of Megle, and appoints him to be Miniſter at the Kings houſe, to the effect forſaid ; and ordaines him to enter in the ſaid function betwixt and the 15 day of Februar next to come, vnder the paine of deprivation, provyding he be firſt ſufficiently provydit be the Kings Maſteſtie : And lykewayes ordaines Mr Andro Lamb to enter in his cure [in his Maſteſties houſe,] betwixt and the firſt of Januar next to come, vnder the ſaid paine.

Anent the planting of the kirks of Edinburgh : Johne Robertſone and George Herriot, Commiſſioners for the ſaid towne, being callit, declairit that for the preſent they had bot thrie kirks, quhilks alreadie were plantit with ſixe Miniſters ; and quhen as thair fourth kirk, quhilk is preſentlie bigging, is compleit, they wald crave ſupplement of vther twa Miniſters.

Sefſio 5^a 13 Novembris.

The brethren appointit for penning the forme and ſubject of viſitation of kirks, gave in thair advyce as followes :

The viſitours ſhall appoint twa or thrie dayes for the tryall of every Presbitrie within the bounds of thair viſitation ; and be the ſpace of a moneth, or twentie dayes at the leaſt, befor thair edicts, they ſhall make the Presbitrie acquaint therwith, and ſend them the edict following, to be publiſcht at every paroch kirk be ſome vther rother than the Miniſter, that it may be dewlie execute, reportit, and indorſit to the viſitours, at the firſt dyett of [thair] meiting.

[This Edict was never formed. C.]

Let the Edicts be ſo directit be the Presbitries, that ane equall number

[fall to] be tryit in every ane of the dayes appointit for tryall of ilk Presbitrie ; and the Commissioners of congregatiouns to be chargit to thair awin dyetts accordinglie.

Try the estate, first, of every Minister particularlie ; therafter the estate of the congregatiouns and countrey ; and last the estate of the Presbitrie in generall.

The particular tryall of Pastours.

Try ilk Pastour severallie, in his graces, and habilitie to discharge his calling ; in his furniture of bookes and necessar helps that may inable him in his calling ; with quhat fidelitie and prudence he discharges himselfe in doctrine and discipline, in his lyfe, and the estate of his living.

For this effect, inquire first of the Commissioners of his congregatioun, quhat testimonie he hes of his awin Sessioun and remanent of his flock ; and in special if he be resident in his parochin vpon his mans and gleib ; if his awin lyfe and the government of his familie, be such as breids no offence, bot edifies his flock ; if he teaches every Sabboth once or twyfe, and if he teaches any vther dayes in the week ; if he ministers the communion geirlye with due examinatiouns preceeding ; if he hes ane establischt Sessioun of Elders and Deacons ; if he keips a weiklie conventioun with his Sessioun for the exercise of discipline ; if he catechises weiklie a part of his parochin ; if he keips ane ordinar visitatioun of some families of his congregatioun weiklie ; if he visites the seik and distrest quhen occasioun requyres ; if he be carefull to take away all eyelists and variances that falls out in the congregatioun.

Therafter, if neid beis, let him be tryed be the opening vp of some place of Scripture, and be questiouns ; let it be inquiryt of him, quhat helps he hes for the advancement of his studies ; if he hes the text of the Scripture in the originall languages, in cace he be sein in the tongues ; if he hes Tremellius translatioun of the Auld Testament, and Bezas of the New, with the vulgar Inglis translatioun ; if he hes the Common Places ; if he hes the Ecclesiasticall Historie ; quhat Commentaries he hes vpon the Scriptures, and speciallie vpon his ordinar text ; if he hes the Acts of the Council of [Trent ;] and quhat vther wryters of the controversies of religioun ; and if he vses the conference of brethren for his reformatioun in the doubts that he finds in his reiding, and of quhom ; if he hes ane ordinary course

of reiding the Scriptures, Ecclesiasticall Histories, and Controversies ; if he makes any memoriall of his travells in wryte ; quhat is his ordinary text ; if he be provydit in the title of the Personage or Viccarage, and if he hes fett any tacks therof, to quhom, and on quhat condition ; in whose hands are the rents of his kirk ; and quhat is the best overture he can give for provisioun of a stipend therat, in case it be not alreadie sufficientlie provydit : and sicht the Sessioun Booke.

The brother beand removit, let the Presbitrie be inquyrit ane be ane, and declare vpon their conscience quhat they know anent his graces, fidelitie in doctrine and discipline, and anent his lyfe and converfatioun. After the quhilk tryall, let him be judgeit, and either allowit or admonished ; or vtherwayes censured, as the cause requyres.

The tryall of the Congregationns.

Try every Minister particularie, if ther be any Jesuites, Papists, Seminarie Priells, traffiquers against the estate of religioun and quyetnes of the countrie, within their congregatioun, or refetters of them : if ther be any witches, excommunicats, contraveiners of the discipline of the Kirk ; [if ther be any superstitious dayes keipit, be setting out of banefires,] or vtherwayes ; if ther be any superstitious places of pilgrimages, wells, and chapells ; if ther be any non communicants ; [if ther be any] homicides, or deadlie feids ; if ther be any adulterers, or incestuous persons ; if the Sabbath be profaned be keeping of mercatts, or labouring, speciallie in the tyme of harvest : And as they find in the premisses, to take ordour for reformatioun of the points forfaids, or any part therof.

Tryell of the Presbitries.

Let the Moderatour be inquyred, if they keip their ordinar conventiouns ; if they have their monethlie discourfe vpon the common heids and disputations ; if they [have] visited the haill kirks within their bounds sen the last generall visitatioun ; if they take ouklike and monethlie account of their brethrens diligence in the discharge of thair dutie, by catechising and visiteing of thair families ; and sicklyke, if ther be any of thair number that be insolent, and will not acquiesce in the determinatiouns of his

brethren ; [if ther be any eyelift or divisioun among the brethren ;] quhat vnplantit kirks are in thair bounds.

Quhilk forme the Assemblie thinks good, and ratifies and approves the samein ; and ordaines it to be vniverfallie observed in all tyme comeing, in all visitatiouns within this realme : and ordaines the power of the visitours to be direct conforme to the acts of the Generall Assemblie.

The said day, the brethren appointit to visite the petitionns of the Synodall of Fyffe, condiscendit vpon the ansuers following.

Ansuers to the Petitiouns of the Synodall of Fyfe.

1. Finds, that the Generall Assemblies fould be appointit and keipit according to the act of Parliament, haldin at Edinburgh the 5 of Junij 1592 zeirs, quherof the tenour followes, so farre as concerns that point : And sicklyke ratifies and approves the Generall Assemblies appointit be said kirk ; and declares that it salbe lawfull to the Kirk and Ministers, everie geir once at the least, or oftener pro re nata, as occasioun and necessitie fall requyre, to hald and keip Generall Assemblies ; provydand that the Kings Majestie, or his Commissioners with them, to be appointit be his Hienes, being present at ilk Generall Assemblie befor the dissolving therof, nominat and appoint a tyme and place, quhen and quher the nixt Generall Assemblie fould be : And in cace neither his Majestie nor his saids Commillioners beis present for the tyme, in that towne quher the Generall Assemblie beis haldin ; then and in that cace it salbe leifsum to the said Generall Assemblie be themselves to nominat and appoint tyme and place, [quhen and] quher the nixt Generall Assemblie of the Kirk beis keipit and haldin, as they have bein in vse thir tymes by past.

2. If his Majestie fall proceed against Ministers, according to his Majesties awin declaratioun made and inactit in the Generall Assemblie haldin at Dundie [1597,] Sessioun 10. the defyre of the second article is satisfied, and no vther thing meant therby

3. Thinks it expedient, that the act anent the applicatioun in the Exercise be interpret not to be extendit to forbid the vsing of the Word of God in applicatioun to the general ends therof, quhilk is lausfull to exercise after this manner : this heid of doctrine serves for the refutatioun of such ane errour, for the rebuik of such a vyce, for conforting of such a person in

such a case. And as for particular and personall applicatioun, leaves it to be advyfit, whether it falbe in tyme comeing or not, and how farre; and thinks it good, that this be reafonit in the Presbitries; and then [that] Commillioners [be] sent with thair reasons to the next Assemblie theranent; and, in the meane tyme, no innovatioun to be vsit anent personall applicatioun.

4. Let all commissiouns be givin and vsed from this [tyme] foorth, according to the acts of the Generall Assemblie.

5. Finds, that Doctours hes had, and may have, vote in the Generall Assemblie, they haveand a launfull commissioun for that effect, according as it hes bein found be the General Assemblie haldin at Edinburgh the 10 of May [1586,] and at 1581, quher it is found and declarit be the act of the Generall Assemblie, that Doctours sould concurre with the Elders as brethren in all Assemblies.

6. Let the caveats be looked to, and preceissie keipit in tyme comeing, vnder the paines conteinit in the acts made theranent.

7. Anfuert in the Assemblie.

8. [Nothing to be done and concluded in Assemblies, except it be sufficiently reasoned and deliberated. C.]

9. Acquiesces in the declaratioun of the brethren that hes spokin to his Majestie theranent; and desyres Mr Walter Balcanquell to shew the same to the Assemblie, and how the Presbitrie of Edinburgh is satisfied in this point.

10. Let thair names be given vp, that his Majestie may take ordour with them according to the lawis; and in speciall with Captaine Halkerstoun, Patrick Butter, Mr Alexander Leslie, Duncane Law, Thomas Browne, William Leslie of Concraig, and Patrick Mortimer.

11. Anliuert in the Assemblie.

12. To acquiesce in his Majesties declaratioun heiranent, and [to] requiest his Majestie, that the Presbitries be acquaint heirafter, in such case quher it falbe neidfull.

13. Quher ther is negligence in this point, let it be amendit heirafter, according to the acts of the Assemblie.

14. Let farther diligence be vsit, quher negligence hes bein.

Quhilks anfuers the Assemblie allowes of, and ordaines the samein to be insert in the Books of the Assemblie.

The quhilk day, the Generall Assemblie haveand advysedlie considerit the necellitie of appointing Commissioners from this present Assemblie, not only to awaite vpon such affaires as salbe for the weill and vtilitie of the Kirk [of God,] bot also to give advyse to his Majestie anent the halding furth [of the enemies] of the same, quhen they salbe requyrit be his Majestie therto : Therfor the brethren conceit in this present Assemblie hes givin and grantit, lyke as they, be the tenour heirof, gives and grants thair full power and commissioun to the brethren vnderwrytin, viz. Mrs Robert Pont, David Lindfay, George Glaidflanes, David Hoome, Johne Clappertoun, Johne Knox, Johne Spottifwood, Alexander Lindfay, Robert Howie, Johne Hall, Johne Caldcleugh, Johne Strauchan, Andro Knox, Gawin Hamiltonn, James Law, Andro Boyd, Alexander Dowglas, Alexander Forbes, Andro Leich, Robert Wilkie, Patrick Sharp, Peter Blackburne, Patrick Simfone, with the Kings Ministlers, or any nyne of them ; Giveand, grantand, and committand to them thair full power to plant such kirks in Burrowflounes as [is] or salbe destitute of Pastours :

Attour, If it fall happin the Kings Majestie to be greivit at any of the Ministlers for quhatsumevir enormitie committit be them against his Hienes, with power to them, or any nyne of them, as said is, to try and cognosce therypon, and to take such ordour theranent as they fall think meitt to the glorie of God and weill of his Kirk.

And finallie, With power to them to present the greives and petitionous of this present Assemblie to his Majestie and Secreit Counsell, and generall Conventioun of Estates and Parliament, if any fall happin to be ; and to crave redresse of the samein : Promitten de rato.

The said day, the Assemblie, considering that the conventiouns of the peiple, especiallie on the Sabbath day, are verie rare in many places, especiallie be distraetioun of labour, not only in harvest and seid tyme, bot also every Sabbath, be fisching both of whyt fisch and salmond fisching, and of ganging of mylnes, [the Assembly dischargeth, and inhibiteth all such labour of fisching, as well white fisch as salmon fisch, and going of mylnes,] of all forts vpon the Sabbath day, vnder the paine of incurring the censures of the Kirk ; and ordaines the Commissioners of this present Assemblie to meane the samein to his Majestie, and to desyre that ane pecuniall paine might be injoyuit vpon the contraveiners of this present act.

Anent the overtures givin in be the Commiffioners of the conftant plat, with the quhilk the brethren were ordainit to be advylit: After mature deliberatioun and voteing, the Affemblye thinks the fecond overture moft expedient to be acceptit, bearing the provifioun of Miniſters to all Prelacies, with the conditionis therin conteinit, as is above expreſt.

Anent the planting of the kirks within the bounds of Annandaill, quhilk hes bein defolat continuallie, ſen the reformatioun of the religioun within this countrey: After that the Kings Majeſtie had made declaratioun of his godlie intent theranent, how that his Majeſtie was myndit to cauſe the barrones and gentlemen of Annandaill, at their compeiring befor his Hienes, quhilk wilbe ſhortlie, find ſufficient cationn and ſovertie for provifioun of reaſonable and competent livings to every ane of the kirks within the bounds of Annandaill; and therfor deſyreand that ane number of qualified men may be provydit for to enter in the Miniſtrie at the kirks within the ſaids bounds: The Affemblye ordaines every ane of the Commiſſioners preſent to give vp the names of ſuch perſons quho are vacand within thair Preſbitries, and willing to entir in the Miniſtrie, to the effect they may be exhortit and earneſtlic dealt with be the Commiſſioners of the Generall Affemblye, quho ſhall plant them in places they think moſt meit, for to accept vpon them the cure of the ſaids kirks, how ſoone ſufficient provifioun may be found out for them, and ſecuritie for themſelves: And in caſe that after all the diſcretioun [be] vſit with them, they then reſuſe to accept the ſaids callings vpon them, the Affemblye declares that they ſhalbe countit vncapable of the function of the Miniſtrie, ay and quhill they meine themſelves to the ſaid Commiſſioners, whoſe calling and directioun they reſuſed, and be content to be employed in any part they [ſhall] think expedient; and if they be already actuall Miniſters, and craves tranſportatioun, if they reſuſe to be tranſportit to any of the ſaids vackand kirks, the Affemblye finds, that the libertie of tranſportatioun ſhalbe denyed to them, ſo that they ſhall remaine at the ſaids kirks, fra the quhilk they craveit to be tranſportit.

The names of such as are vacand.

BRECHIN.

Mr Hendrie Fullertoun.
Mr Thomas Hogge.

Mr Dowgall Campbell.

ABERBROTHOCK.

Mr Thomas Glover.

DUNDIE.

Mr David Lindfay.

Mr John Scrymgeour.

SANCT ANDROES.

Mr William Wedderburne.
Mr Peter Bruce.

Mr Daniel Wilkie.
Mr David Kynneir.

PERTH.

Mr Thomas Ros.
Mr James Ros.

Mr Alexander Balnevis.
Mr Patrick M'Greigour.

MERS.

Mr Johne Spotifwood.
Mr Johne Gibfone.

Mr William Struther.

IRVING.

Mr Robert Boyd.
Mr James Montgomerie.

Mr Malcolme Hamiltoun.
Mr Robert Frensch.

LANERICK.

Mr George Cliddifdaill.
Mr David Roger.

Mr David Lindfay.

Acta Sessione 6^a. Novembris 1602.

Anent the supplicatioun givin in be Alexander Stewart of Gairlies, Provest of Dumfreis, in name and behalfe of the Counsell and communtie of the said towne, makand mentioun, that quher be the transportation of Mr Hew Fullertoun, some tyme Minister at thair kirk, the estate of thair congregatioun is altogether desolate in sick fort, that for inlake of a Pastor quho sould attend vpon the flock, and to care the weill of thair foules, they are not only depryvit of the spirituall food and confort of the Word, but also thair towne is become a receipt of excommunicat Papists and Jesuites; desyreand therfor the Assemblie to confidder thair miserable estate, and to provyde some qualified man to be thair Pastour; and in speciall, ane of the leits given in be them, viz. [Mrs David Barclay,] William Airthur, Alexander Scrymgeour, William Watfone, Hew Fullartoun; promising that [not] only that they wold be reverent hearers of the Word, but also [that] they wold concurre with him and assist him that salbe nominat to be thair Pastour, in the executioun of discipline of the Kirk to the vttermoost of thair power; as at mair lenth is conteinit in thair supplicatioun: The Assemblie, after voting, hes chofin Mr William Airthur to be Minister at Dumfreis, quham they ordaine and appoint to be Minister at the said kirk, after incalling on the name of God.

The said day it was thocht good be the brethren, to be meanit, that notwithstanding his Majesties good mynd and intencion to have all the kirks within this realme sufficientlie plantit with Ministers with competent livings appointit for them; and albeit it was provydit be the act of Februar, and approvit in Parliament, that all the thrids of benefices sould be applyed to the vse of the Ministrie ay and quhill the kirks were plantit, and that penhouns givin [in prejudice] therof sould be null; yet be importune futeing, ane great part of the saids thrids are disponsit in penhouns, to the great hinderance not only of the present provisioun of Ministers, but also of the constant platt, quhilk his Majestie intends: Desyreing therfor that his Majestie were informit therof, and take such ordour, that the saids dispositions made in contrair the said act of Februar sould be retreatit, and that command be givin to the modifiers of the platt of this instant zeir, to assigne out of the saids penhouns for planting of kirks, notwithstanding of saids dispositionns: The quhilk his Majestie most willinglie grantit, and promist to stay all farther gifts in any tyme comeing.

Item, The Affemblie thocht expedient to adjoyne and nominat vthers out of the number of the brethren to be adjoynt to thefe, quhilk were nominat be Commiffioners of Provinces conveinit at Halierudehous, the 15 of October 1600 zeirs, out of the quhilk number his [Majestie] fould make choife of fuch as he fould prefent to the benefices vacand. The names of them all are, as followes, Mrs Robert Pont, Robert Howie, James Nicolfone, Alexander Scrymgeour, Johnne Forbes, Gawin Hamiltoun, George Monro, James Robertfone, Johnne Howifone, James Melvill, Andro Knox, Patrik Galloway, Alexander Dowglas, Alexander Lindfay, Robert Wilkie, Johnne Spottifwood, William Malcolmie, Alexander Forbes, Johnne Knox, Andro Lamb, Johnne Clappertoun, George Grahame, Robert Bruce, John Carmichell, Patrick Lindfay.

Anent the requeift made be the Moderatour, in name of the hail Affemblie, to his Majestie, in favours of Mr Robert Bruce: His Majestie declairit that he wald doe in that matter be the advyce of the Commiffioners of the Generall Affemblie, and [as] Mr Robert be his awin behaviour fould give him oecaloun. And becaufe Mr Robert Bruce had be his miffive direct to his Majestie befor his departure aff the countrey, as alfo be the ratificatioun and farther examinatioun and explanatioun therof, in wryte [at Sanct Johnstoun] the 26 of Junij 1602, declarit his refolutioun of his Majesties innocencie, and guiltines of the Erle of Gowrie and his brother, and promifed to divert the peiple fo farre as in him lay, from their leud opiniouns and vcharitable conffructiouns anent his Majesties actiouns, namelie, in this turne: Therfor, his Majestie defyrit the determinatioun of the Affemblie, Whither if the faid Mr Robert fould lykewayes make the fame declaratioun in pulpitt, according as it is at length fett doune in the faid miffive and explanatioun therof, at Perth, quherof the tenour followes.

Pleis gour Majestie: Hearing that gour Majestie was nothing relentit of the former wrath againft me, and being now vpon the point to shew my obedience to your Majesties laft charge, I could not omitt this as my laft ductie, to intreat gour Hienes clemencie, and to mitigate the extremitie of this intendit wrath. I am not ignorant of that fpeich, That the wrath of the Prince is the meffinger of death; fo that I crave, that the Lord for Chryfts fake may adde his bleffing, and worke effectuallie in your Grace, as he fall lie expedient for his awin glorie, and gour Majesties perpetuall prefervatioun.

Then to be short : To shew my conformitie with the rest of my brethern of the Ministrie, as at all tymes, so now especiallie, to shew my reverence to your Majestie, and to cleir my suspectt affectiouns heirin, I offer to give to the Father of our Lord Jesus Chryst, in him, and through him, most heartlie thanks for all your Majesties delyveries from your cradle to this present houre ; but namelie, for that delyverie quhilk he gave to your Majestie, [at Sanct Johnstoun,] on Tuesday the 5 of August, farre above all our deserts, and your Majesties expectatioun.

I offer also to stirre vp the peiple to that [same] duetie, and also to divert the peiple so farre as lyes in me, from thair lewd opiniouns, and vncharitable constructiouns of your Majesties actiouns, namelie in this turne.

Finallie, Ther is no duetie that your Majestie can crave of me, without the [manifest] offence of God, and hurt of my awin conscience, but I will doe it with als good a heart as ever I did [any] thing in this earth ; that if by any meanes I might testifie my good affectioun to your Majestie my Sovereigne, and to enjoy my naturall aire, and such vther comforts as the Lord hes given me vnder your Majesties reigne, quhilk I most humble crave of your Majestie ; befeikand the Lord to move your heart heirvnto for Chrysts sake. So waiting of your Hienes ansuer in all humilitie, I take my leave.

Sic subscribitur,

Mr ROBERT BRUCE.

[And upon the back therof, At Perth the 25 of June 1600. C.]

Farther, Concerning the heids within conteinit, I am resolvit [of] his Majesties innocencie, and the guiltines of the Erle of Gowrie and his brother, according as it is declairit be the act of Parliament ; and therfor acknowledges the great mercie of God towards his Majestie, haill Kirk, and countrey, in his Majesties delyverance ; for the quhilk I thank God from my heart.

Sic subscribitur,

Mr ROBERT BRUCE.

The quhilk the haill Assemblie, after votting, thocht not only reasonable, bot also concludes, that the said Mr Robert aucht to doe the same.

Anent the supplicatioun givin in be Mr Robert Pont, Minister at Sanct Cuthberts Kirk, desyreand, in respect of his great age, and long travells takin in the Kirk of God, and continuall feiknes quhilk followeth age,

that he might be releivit from the ordinarie burdein of the teaching, vpon condition that he fall substitute ane in his place quhen through infirmitie he fall not be able to teach himselfe : The Assemblie thinks his sute reasonable, and therfor condiscendit to the same.

Item, Because his Majestie declarit, that he was informit that sundrie of the Ministrie neglectit that part of thair dnetie towards his Majestie in not giving thanks to God for the wonderfull delyverie of his Majestie from the treasonabill attempt [at Sanct Johnstoun] of Johne sometyme Erle of Gowrie, and his brother, vpon every fyft day of August : Therfor the Assemblie statutes and ordaines, that in all burrowstounes within this realme ther be ordinar preaching and teaching every Tuesday, in the remembrance of the delyverie of his Majestie that day of the weik ; and that every fyft day of August ther be preaching in every kirk within this realme, to burgh and to land, thankand God of his Majesties delyverance that day of the moneth.

And because the peiple in landwart parochines cannot be so easilie conveinit as in burrowstounes, therfor, and for [their] better conveying, it is ordainit, that everie Minister at everie landwart kirk fall, vpon the Sunday preceeding the fyft day of August, make intimatioun to his parochiners, that they conveye the said day in the kirk with him, to thank God for his Majesties delyverance.

And to the effect that all ryotousnes, drunkennes, and vther filthie exercises, may be restraint, his Majestie promised to cause all insolencie in behaviour to be dischargit and forbidden every geir be [open] proclamation, and Magistrats to take ordour with the contraveiners therof.

Item, The Assemblie ordaines, that no marriages be celebrate airtie in the morning, or with candle light ; and finds lykewayes, that it is leifum to celebrate the said band of mariage vpon the Sabboth day, or any vther preaching day, as the parties fall requyre and think expedient ; and ordaines the same to be indifferentlie done ; and that no ryotousnes be vsed at the same vpon the Sabboth day.

Item, It is statute, that the sacrament of baptism be not refused to any infants, if the parent crave the same, he giveand a Christian confessioun of his faith, vpon any vther particular pretence ; and specially, that baptism be not delayit to certaine particular dayis.

Anent the supplicatioun givin in be Mr Edward Bruce, Commendatour, Abbot of Kinlofs, makand mentioun, that quher he haveand ane tack and

affedatioun of the Kirk of Tarbet, sett be Mr Johne Monro, and Mr David Lindsay, Bischop of Ros, the geirlye duetie quherof, albeit it extends only to the fowme of twa hundreth pounds, nevertheles [he,] for the better intertainment of the said Mr Johne, aetuell Minister at the said kirk, hes condescendit to convert the said fowme of twa hundreth pounds in ten (twa?) chalder of beir as for ane constant stipend to the said Mr Johne and his succeffours, Ministers at the said kirk of Tarbet, vpon condition that the Ministers of the Presbitrie of Ros, quhilk are of the Chapter of the said Bischoprick, wald ratifie and approve this tack of the said kirk, quhilk they wald willinglie doe, provyding the Assemblies [consent] were obtainit therto, as at mair lenth is conteinit in the said supplicatioun: The Generall Assemblée ratifies and approves the saids tack and affedatioun, sett to the said Commendatour, of the teinds of the said Kirk of Tarbet, as weill be the said Mr Johne Monro as be the said Mr David Lindsay; and ordaines the brethren of the Presbitrie of Ros, quho are members of the said Chapter, to consent to the same be thair subscriptionns; because they vnderstand the said kirk to be sufficientlie plantit be the moyen forsaid.

Anent the supplicatioun givin in be Mr Patrick Carmichael, Minister at Aberdoure, makand mentioun, that quher the Assemblée haldin at Montrois in Marche 1600 geirs, it was concludit, that Mr William Patoun sould serve the cure of both the kirks of Aberdoure and Dalgatie, and for his service sould uplift the auld stipend of both the saids kirks, ay and quhill sufficient provisiounn were made for planting of both the saids kirks; and true it is that the said complainer is now plantit Minister at Aberdoure; desyreand, therfor, to cause the halfe of the said stipend to be dimittit to him be the said Mr William, in respect of his service at one of the saids kirks: The Assemblée finds [and decerns] the haill stipend contravertit to appertaine to Mr William Patoun, Minister at Dalgatie, conforme to his assignatioun of the crope and geir of God 1601 geirs, except the Viccarrage of Aberdoure, quhilk they adjudgeit to pertaine to the said Minister at Aberdoure.

Anent the supplicatioun givin in be the north Paroch of Leith, makand mentioun, that quher the Presbitrie of Edinburgh hes erectit the said north Paroch of Leith in ane parochin, quhilk is also approvin be the Synodall of Lawthiane; desyreand, therfor, the ratificatioun of the Generall Assemblée vnto the same: The Assemblée ratifies and approves the erectioun forsaid in all points.

Anent the supplicatioun givin in be the inhabitants of the Ferrie of Scottiscraig, Garpat, Shamvall and Muirtaine, makand mentioun, That they being a great multitude, and farre distant from thair paroch kirk of Leuchars, they, with commoun consent of the haill parochiners, Presbitrie of Sanct Androes, and Synod of Fyffe, hath erectit ane paroch kirk in the said Ferrie, and almost compleitit the same, for the commoditie and vse of the peiple most adjacent therto ; delyreand, therfor, the Assemblies authoritie to be interponit therto, and to give power to the Presbitrie to annexe sick villages as are most adjacent to the said paroch kirk : The Assemblie ratifies the erectioun forsaيد, and gives power to the said Presbitrie to the effect above wrytin.

Anent the supplicatioun givin in be ane Noble Lord, Alexander Erle of Lynlithgow, makand mentioun, That quher it hes pleast the brethren of the last Assemblie to relaxe Dame Helenor Hay, his spouse, from the sentence of excommunicatioun, and to injoyne certaine particular conditionis to be observed be her, quhilks conditionis, albeit she, of the stubbornes of her heart, wald no wayes condiscend to obey, to his great greife and sorrow ; nevertheles, the brethren sould have consideratioun of his hard estate, quho cannot, be no law, separate himseife from her, notwithstanding that sho refuses to heare and obey the wholesome voyce of the Kirk, calling her to grace in Jesus Chryst ; and the rather because he himseife, as he hes continuallie and constantlie profess the trueth and religioun presentlie profess within this realme, so he hes vsed all meanes possible for bringing his spouse to the true knowledge of the same ; lykeas also he is readie to doe quhat lyes in his power, be all good meanes, to draw her to the trueth ; desyrand, therfor, the Assemblie to pitie his daylie grieffe, and shew him some favour in the mitigatioun of her punishment, and staving of the censure of excommunicatioun aganis her, that he be not compellit to remaine in societie with her that salbe cutt off from the societie of the Kirk : The Assemblie having considerit the supplicatioun, continues the pronouncing of the sentence of excommunicatioun against her vnto the nixt Generall Assemblie, provydeing that the Kings Majestie remove his Hienes daughter out of her companie ; and lykewayes that his Lordships bairnes be catechilit in the trueth ; and lykewayes that his Majestie give command to him to debarre all Papists from his house ; and that, in the meanetyme, his Lordship cause deale with his said spous, to sie if by any meanes sho may be drawin to the acknowledging of the trueth.

Sessio Vltima, 16 Novembris 1602.

Anent the supplicatioun givin in be the brethren of the Synod of Glasgou, makand mentioun, That quher albeit fundrie tymes, be their actis, they had discharged Mr George Simple to have any meddling with the Ministrie of the Kirk of Killellane, for the causes and consideratiouns knowin to them, and speciallie for a great mislyking that specialls of the paroch had of him; nevertheles he had not only insitit in futeing of the said kirk, but also he had obteneit, be privie moyen, the consent of the Commissioners of the Generall Assemblie therto, for planting of him at the said kirk, the saids brethren not being heard, nor thair reasons in the contrair discussid; desyreing, therfor, that thair reasons may be heard, and, after dew tryall, that the Assemblie wald give thair finall sentence in the said matter, quhilk they wald obey:

The Assemblie, after due tryall, absolves the said Mr George from all evill crymes and eyliffs quhilk were laid to his charge, either be the brethren of the said province, or be the parochiners of Killellane, and gives him, be thir presentis, a testimonie of his honest behaviour; bot in respect that he was never plantit fullie Minister at the said kirk, and of the great mislyking that is betuixt him and fundrie of the saids parochiners of Killellane, as said is, they think it not good that he be plantit Minister at the said kirk; and, therfor, ordaines him to desist therfra, and to dimitt the presentatioun made to him of the benefice therof, in favours of Mr Johne Cunighame, quhom the Presbitrie hes thought good to be Minister therat, vpon conditioun that the said Mr George be first satisfied be the said Mr Jobne, for his said dimissioun, paines and lose susteinit be him in pleying of the same: Quhilk satisfactioun falbe presentlie modified be Mr Jobne Cowper, arbiter chosen for the said Mr William Cunighame, and Mr Robert Pont, arbiter chosen for Mr George Sempill; and in cace of variance, be Mr Patrick Galloway, as oddisman and ovirfman chosen be both thair consents: With provisioun lykeweyes that the said Mr George be first plantit at the Kirk of Kirkbeane, or any vther place quher his Majestie shall think expedient in the fouth west parts, with sufficient provisioun for his sustentatioun therat.

The said day, the Assemblie ordaines Richart Browne to be transportit to the kirk of Haliewood, and that the brethren deale with the Abbot for

a sufficient provisioun to the said kirk, and in speciall Mrs David Barklay, Robert Hunter, and Hew Fullertoun.

Item, The Assemblie ordaines, that, in all tyme comeing, the licence to be grantit to any benefit Perfon to sett tackis, be restrainit either to ane lyferent tack, or to ane nynetein geir tak allanerly.

Anent the supplicatioun givin in be Mr John Nicolfone of Laifwad, beirand, that quher he was kyndlie takfman of the teinds of his awin lands of Lesswaid, in respect quherof he had aggried with Mr George Ramsay, Deane of Restalrig, for renewing of his saids tacks for paying of a greater duetie then they payed of before, so that the kirk was sufficientlie plantit; to the quihiks the said Mr George condescendit; desyreand, therfor, the Assemblie to ratifie [and approue] the saids tackis, and declare the samein als sufficient as if ane speciall licence had been obtainit to sett the same: The Assemblie ratifies and approves the saids taks of the teinds of his awin lands of Lesswaid, and declares the samein als sufficient, as if a speciall licence had bein obtenit therto.

Item, At the earnest sute of the Presbitries of Cliddisdail, Walter, Pryour of Blantyre, tackifman of the Personage of Glasgow, condescendit to give 15 chalders victuall, by and attour the duetie of his tacks, for the better provisioun of the Ministrie at the said kirk of Glasgow, vpon condition that the present Perfon shuld ratifie and approve his present tack that he hes to runne of the saids teinds: The Assemblie thinks the conditioun reasonable, and, therfor, ordaines the present Perfon to ratifie the same; and declares that the said Commendatour shal not be farther troublit for any greater provisioun to the said kirk during his saids tacks, be nane of the Ministrie serving that cure.

Anent the propositioun made in the Assemblie vpon the privat motiouns of fundrie particular brether, from diverse parts, to the Moderatour, desyreand that a certaine number of the brethren of best judgement and experience shuld be put apart to consider of the chiefest dangers appeirand to religioun, and quyetnes of the estate of the countrey, and of the principall causes therof, and how the samein might be most effectuoullie preventit; with power to them to conclude, and communicat thair best advyces to his Majestie theranent, and to the Presbitries, so farre as shalbe found expedient: The Assemblie finds the samein most requisite, and, for the effect above wrytin, nominates, &c. with power as said is.

The quhilk brether having at length communicat thair informatioun, to-

gether with their awin knowledge, anent the premisses, Finds that ane of the cheifest causes of danger proceedis from the miscontentment of some outrageous and malicious Papists, that rages and leaves nothing vnassayit to trouble; for being out of all esperance to have his Majesties indifferent affectioun, or oversight over them and their religion during his reigne; and of vthers that be the executioun of justice finds themselves or their friends and their houses to have sustaint any lose, and to be impairit of their greatnes and dependance, and to be redactit to live vnder the obedience of lawis vtherwayes nor they were wont; and from the malicious bullines of certaine craftie and seditious persons, that either for the present necessitie of their awin estate, or for hope of advancement and gaine to be had in the change of the present government, ceases not be all meanes to inflame the hearts of such as they perceive to be miscontentit in any estate, and making every man to sie his awin desyre in the trouble of the country; dealing in the meanetyme lykewayes with such as are of the most sincere affectioun to religion and justice, that things is not done in that integritie that is profest; prealing hereby to make the godlie and good subiects the more cold adversaries to such as wold intend a trouble:

For remeid quherof it is thocht good and concludit, that his Majestie salbe informed heiranent, that, be his awin care and foresight, such vngodly plats and counsells may be frustrate; and sicyke that every Minister within this realme fall deale generally with their congregatiouns and auditors, at all occasiouns, in their publick doctrine in pulpitt, and with all noblemen, barrones, gentlemen, and vthers that are of any speciall credit or power, particularlie in their privie conferences, perswading them of the Kings honest mynd for establishing of the true religion presentlie profest within this realme, and of the executioun of justice, and of his stedfast resolutioun to hazard his estate, lyfe and crowne, in the cause of the Gospell, with the standing and falling quherof, he acknowledges his standing and falling to be inseparablie conjoynit; and that they mark narrowlie the actiouns of all men, specially of sicker as that either for religion, or executioun of justice, or for the necessitie of their awin estate, mislikes the present government, and are inclined to novatiouns, and quhom they sie in any kynd of extraordinary bullines by their custome; and that they make his Majesties Ministers acquaint therwith, not ceasing in the meane tyme to bring them to ane quyet mynd: and for this effect, that in all their ordinarie meetings in Sessions, Presbitries, and Provinciall Assemblies, ther be a particular and

privat inquisition in thir points as neid beis, that his Majesties Ministers may be advertised with all expeditioun : And lykewayes it is thocht expedient and concludit, that his Majesties Ministers, and sicker vthers of the Ministrie as sall have occasioun to be in any charge about his Majestie, informe the Presbitries of the estate of things, as they proceed, so farre as it is neidful for the weill of the cause ; and that this advyce be extractit and sent with diligence to every Presbitrie in authentique forme.

The next Assemblie is appointit to be haldin at Aberdein, the last Tuesday of Julij 1604.

Thanks beend givin to God be the Moderatour, for the comfortable succeffe of this present Assemblie, the brethren were dismissed.

A.D. M.DC.IV.

[AT Aberdeen the last day of July the year of God 1604, within Sanct Nicolas parish kirk of the Burgh of Aberdeen, at four hours after noon, or thereby, before these witneses, Mrs Peter Blackburne, James Rofs, Archibald Blackburne, Ministers at Aberdeen, John Rough, Minister at Nig, Mr Thomas Nicolson, Commissar at Aberdeen, and George Nicolson, burghes of the said burgh.

The which day, in presence of the witneses foresaids and of us Connotars Publick under subscribing, compeared personaly within the said parish kirk Mrs James Melvill, William Areskine, and William Murrey, Ministers of the Evangel of Jesus Christ, and presented a Commission given unto them be their brethren of the Presbytrie of Sanct Andrews, wherby they are constitut Commissioners for them for keeping of the General Assembly at Aberdeen the month of July instant, as the said Commission, which was read in audience of us, and the said witneses, in itself at more length bears; whereof the tenor followes.

At Sanct Andrews the 26 of July 1604 years, the which day, after in calling of the name of God, the Presbytrie constituted and appointed their brethren, Mrs James Melvill, William Areskine, and William Murrey, their Commissioners to the General Assembly appointed to be holden at Aberdeen this month, giving to them their full commission and expresse to pass to Aberdeen; and there, for the said Presbytrie, and in their name, to reason, vote, and conclude in such things as shall be handled in the said Assembly, and to doe whatfomever other things belong to the well of the

Kirk ; promising to ratifie and approve whatsomever their Commissioners shall doe therinto, according to the Word of God. In witness whereof they have commanded their Clerk to subscribe this present commission, day, year, and place foresaid.

Sic subscribitur,

Mr Robert Rough, Clerk of the Presbytrie,
at command of the same.

And therewith gave in, and presented in writ their protestation subsequent, which sicklyke was read in audience of us, and the said witnesses ; and was subscribed with their hands in our presence, whereof lykways the tenor followeth.

For as much as albeit the Kirk of Scotland ever since the reformation of religion, and light of the Gospell, rightly informed and instructed thereby, have thought it a most necessary duty aughtand to Christ, and his Kirk, to convene in their General Assemblies yearly, for keeping of the puritie of doctrine, exercising of discipline, and governing of the whole estate thereof with uniform consent and agreement, lyke as they have been in continual custom, use, and possession, to keep the same inviolable, as a chief and principal part of the office of the Ministrie commanded be the Lord Jesus Christ ; as also God has moved the heart of the King our Sovereign, with consent of his Majesties Estates in Parliament, be special act and law to ratifie and approve the same, granting liberty and freedom to the Ministers of the Kirk to convene in their General Assemblies once in the year at least, and oftner pro re nata ; and the Kings Majesty, of his special care and affection to the Kirk of Jesus Christ within his Hienes realme, gave his own presence at divers General Assemblies, as at the last holden at Halyrudhouse ; where certain grieves being given in, and amongst the rest, that the General Assemblies were not ordinarily kept, his Majestie with the said Assembly ordained that to be amended in tyme coming, appointing the act of Parliament made thereanent to be observed, inserting the very words of the said act of Parliament in the ordinance of the Assembly ; and according thereto, at the ending of the same Assembly, appointed the next General Assembly to be holden at Aberdeen, the last Tuesday of July, in the present year 1604. Nevertheless that day being now come, and instant wee found no appearance of keeping of the said appointed Assembly be the presence of the last Moderator, nor convention and meeting together

of brethren, Commillioners directed from Provinces and Presbyteries, to the great displeasure and grief of our hearts, namely, in so needfull a tyme, when messes are broken furth in divers parts of some of the chief burghs of the realme, Perth and Linlithgow; kirks and congregations lye pitifully unplanted; a careles coldness in all estates, namely of the Ministry itself, of the Gospel and glory of the Lord Jesus; and Atheism with all kind of vice overflowing the face of the land: Therefore wee Mrs James Melvill, William Murrey, and Areskine, Ministers, Commillioners appointed be the Presbytrie of Sanct Andrews to this present General Assembly, having precisely kepted the foresaid day set for the said Assembly, and attended in the Kirk of Aberdeen all the forenoon, without meeting of any Commillioners from other Presbyteries, since wee could doe no more, haue thought it our necessar duty, before God, and his Angels, and yow that are present, to take documents, and make protestation: Lyke as in the hands of yow Notars Publick wee take acts, instruments, and documents, that wee above nominat are here present, directed in commillion from our said Presbytrie of Sanct Andrewes, for keeping of the said appointed General Assembly, on this day, and in this place, so that it desert not so far as lyeth in us, but may hold and keep according to the Word of God, constitutions, and continual custome of our Kirk, the laws of the realme, and appointment of the last General Assembly, wherein the Kings Majesty was present. And wee protest before God, as said is, that whatsoever skaith, damage, or hurt the interest of the Kirk and Kingdom of Jesus Christ within this realme, in the priviledges, liberties, and freedom, or otherwayes, in the general or particular estate thereof, shall happen to sustain or incurre be the overseeing, neglecting, and slipping of the said appointed Assembly, it be not imputed to us nor our said Presbytrie of Sanct Andrewes: Protesting also expressly, that the same, if any be, may be amended and redressed be remeed of the Word of God, laws of the realme, acts and constitutions of our Kirk, and old liberty and freedom thereof, at such tyme and place as God shall think convenient. Thus protesting, and procuring most instantly and solemnly for the well, priviledge, and liberty of the said Kirk and Kingdom of Jesus Christ, established within this realme, moved and stirred up thereto for no other cause, as God the great Judge shall judge us, but that wee may doe and discharge a most necessar duty for the glory of Christ, safety of this Kirk, and the ease and relief of our consciences, in

that great day of his glorious appearance to call us to account of our Ministerie and dispensation.

Sic subscribitur,

Mr James Melville, Mr William Areskin, Mr William Murrey.

Which Commission and Protestation being read, and presented, as said is, Mrs James Melvill, William Areskine, and William Murrey made their protestations conforme thereunto, and took documents and instruments thereupon, in the hands of us Connotars Publick under subscribing, day, month, year, and place forefaids, and before the witnesses above mentioned, witnessing these our subscriptions manual.

Ita est, Magister Thomas Mollesonius, Scriba communis burgi de Aberdeen, Notarius Publicus, ac testis ad praemissa requisitus et rogatus ;
Testante hac mea subscriptione manuali.

Ita est, Gualterus Robertstone, Scriba substitutus burgi de Aberdeen, Connotarius Publicus in praemissis specialiter requisitus ; Testantibus his meis signo et subscriptione manualibus.

Ita est, David Marr, Connotarius, in praemissis rogatus et requisitus ;
Testante hac mea subscriptione manuali.

A.D. M.DC.V.

July 2.*

THE which day divers and fundrie brethren from divers and fundrie places and provinces in the land, instructed with sufficient commissions from their Presbyteries, to reason, vote, and conclude in the General Assembly appointed be his Majesties Commissioner, and Commissioners of the General Assembly, with continuation, directed from Perth the 4 of July, the year of God 1604, subscribed be his Majesties Commissioner the Laird of Lauristoun, and Mr Patrick Galloway Moderator of the last General Assembly holden at Halyrudhous, and Richard Thomson Clerk to the Commissioners, to be and begin at Aberdeen the first Tuesday of July 1605 years, if be sooner advertisement it cannot, being lawfully assembled upon the said warrant and direction, according to the warrant of the Word of God, laws of the countrey, and continual custom of the Kirk of God therein. After in calling of the name of God be Mr David Rait in absence of the last Moderator, Mr Patrick Galloway, Mrs Robert Durie, John Monroe, John Forbefs being put on leit, Mr John Forbefs, with uniform consent of the

* The great Commissioner Laurestoun with the Commissioners of the General Assembly had written to all the Presbyteries, for keeping of a General Assembly at Aberdeen the second of July. The missives directed to the Presbyteries, subscribed be Richard Thomson Clerk to the Commissioners of the General Assembly, differed in the day; in the missives directed to the North, was appointed the second day of July; in the missives directed to the South the 5th day: . . . Therefore some came the 2d day, and some the 5th day.

whole brethren, was chosen Moderator ; his Majesties Commiſſioner, the Laird of Laureſtoun, having firſt nominated the ſaid Mr Forbeſ to be mouth of the reſt. And Mr John Sharp, in abſence of Mr Thomas Nicolſon, with conſent of the whole brethren, was nominat and choſen Clerk.

The ſame day his Majesties Commiſſioner, having firſt be word declared the decree of his Majesties Secret Counſell touching the ſaid meeting, did give in a letter directed for the Lords of his Majesties Secret Counſell, to the brethren of the ſaid Miniſtry convened at the ſaid Aſſembly : The tenor and contents whereof follows.

Truſtie friends, After our heartie ſalutations, bearing that ye have appointed an Aſſembly to be holden and kept there at Aberdeen in the month of July next to come, whereby the Kings Maſteſtie may take ſome occaſion of offence againſt yow ; ſeing neither has his Maſteſtie been made privie to your reſolution, nor yet has his Hienes conſent and allowance bein ſought and obtained to that effect, according to the law and cuſtome enſciablie obſerved the many years by gane, wee have thereupon thought meet hereby to advertiſe you to conſider this matter as appertaineth, and wiſely to forſee what prejudice ſuch raſh and unadviſed proceedings may draw upon your eſtate : For wee are perſuaded, if ye proceed to the holding of this Aſſembly without his Majesties approbation and allowance, that his Hienes will very hardly digeſt that matter, and will account the ſame as a contempt touching his Maſteſtie in a high degree : And therefor it is our will and pleaſure, and wee think it meet, and expedient for your own well, and the peace of the Kirk, and for intertainiſg and cheriſhing that chriſtian harmony which ſhould be betwixt his Maſteſtie and yow ; that ye diſſolve yourſelves, repair every one to his own houſe and calling, and ſuffer this meeting to deſert. And before ye appoint any new meeting, or Aſſembly, that ye acquaint his Maſteſtie therewith ; whereby, as ye ſhall teſtifie your obedience and conformity to his Majesties will and his lawes, ſo we doubt not but his Maſteſtie, upon your own ſuit and ſupplication, will in reaſon give you contentment and ſatiſfaction herein. Wee have at greater length communicated our minds in this matter to the Laird of Laureſtoun, one of his Majesties Privie Counſell, who will at length impart the ſame to you. And ſo wee commit you to God.

From Edinburgh the 20 of June 1605. Sic ſubſcribitur,

Your good friends, Montroſe Commiſſioner, Alexander Cancellarius, Blantyre Secretar, Preſtoun, Cockburne.

Which letters, and desire therein contained, with the suit and desire of his Majesties Commissioner agreeing thereto, being rypely considered be the said Assembly, and having weighed the weightiness of the affaires necessary to be intreated, and rareness of their own number, divers of the Commissioners being stayed be the tempest of weather, and willing them, as at all tymes, to witness their willingness to satisfie his Majestie, and Lords of the Secret Counsell, in all their reasonable desires, so far forth as might stand with the Word of God, and testimonie of a good conscience, thought meet and expedient to continue the treating of the affairs pertaining to the said Assembly to the last Tuesday of September following, and to dissolve for the present according to the desire and suit of the letter foresaid : And ordaines intimation and warning to be made to all the Presbyteries within the land, to choose their Commissioners, and to send them authorized with power to the said Assembly to be holden at Aberdeen the last Tuesday of September next to come anno 1605.

After the which ordinance his Majesties Commissioner made protestation, that from the beginning he did not acknowledge the present meeting for a lawfull Assembly, in respect of the absence of the last Moderator, and Clerk ordinar.

The Moderator in name of the brethren protested again, that the said meeting was and behoved to be a lawful Assembly, in respect of the warrant of their meeting the said day before specified, the direction of the Word of God, the lawes of the land, and continual custome of the Kirk.

Which being done, the said Commissioner caused charge the brethren there assembled, to suffer the said Assemblie to desert under the paine of horning be John Wishart, Messenger, who delivered a subscribed copie of the said charge to the Moderator in name of the whole : The tenor whereof followes.

James be the grace of God, &c. For as much as albeit wee have signified our will and pleasure, that we cannot be resolved anent the General Assembly before the approaching Parliament, and the Parliament being ended, that wee will have occasion to direct the most expedient in that matter for the well of the Kirk : Nevertheless wee and the Lords of our Secret Counsell are informed, that, in this mean tyme, there is a General Convention and Assembly of the Ministrie appointed to be holden at our burgh of Aberdeen in the month of July next to come ; whereat a number of the Ministrie in this our realme intends to be present, wee being no wayes

acquainted, nor made foreseen thereof, nor yet our consent and allowance being had, and obtained to that effect, according to the laws, acts, and constitutions made thereanent, and to the custome observed herein, these many years bygane, whereby our directions and commandements in this matter will be violated highlie, to the offence and contempt of us, our authority, and lawes: Our will is herefor, and wee charge yow straitly, and command, that, incontinent these our letters seen, ye pass, and in our name and authority command and charge the whole Ministrie, who shall happen to convene to the said Assemblie, personally, if they can be apprehended; and failing thereof, be open proclamation at the mercat crofs of Aberdeen, that they suffer the said Assembly to desert, repaire every one to his own dwelling and charge; and that they in no wise presume, nor take upon hand, to convene and assemble themselves together in any place, for keeping of the said Assembly, under the pain of rebellion, and putting of them to the norne. With certification to them, and they failgie, they false denounced rebels, and put to the horn. As also that ye command and charge the Provost and Bailies of our said burgh of Aberdeen, that they suffer no such Assembly, convention, or meeting of the Ministrie to be kept within their town, as the said Provost and Bailiffes will answer to us, and our Secret Counsell, upon their dutifull discharge of their office. The which to do, &c.

Which being read and considered, the said Moderator, at the command of the brethren, took document, and note, in the hand of the said John Wishart being a Notar Publick, that they were ready instantly to obey the tenor of the said charge. The said John refusing the benefit of his office in that part, the Moderator, with the rest of the brethren, after in calling of the name of God, dissolved, and departed out of the Kirk, for obedience to his Majesties charge: And the said Moderator with the remnant brethren past immediately to the Common Clerks chamber of the said burgh, and there took documents in the hands of James Molleson Common Clerk: The tenor whereof followeth.

At Aberdeen the second day of July, the year of God 1605, in the Common Clerks writing chamber of the burgh of Aberdeen, at half hour to five in the after noon, or thereby, in presence of us Connotars, and witnesses underwritten, compeared personally the Commissioners of the Ministrie of this realme, after following; They are to say, Mr Robert Durie, Minister at Anstruther, Mr Andrew Duncan, Minister at Carraill, Mr John Sharp,

Minifter at Kilmenie, Mr Alexander Strauchan, Minifter at Creich, Mr John Forbefs, Minifter at Afurde, Mr William Forbefs, Minifter at Kinbethock, Mr James Irving, Minifter at Tuiche, Mr Robert Young, fome time Minifter at Clatt, Mr Robert Reid, Minifter at Bancherie Trinitie, Mr Charles Farholme, Minifter at Frazerburgh, Mr William Davidfon, Minifter at Rathen, Mr David Robertfon, Minifter at Rugley, Mr John Monro, Minifter at Tane, Mr Archibald Bleckburne, Minifter at Aberdeen, Mr James Rofs, Minifter there, and John Rough, Minifter at Nige; and alledged, that they being conveened in the Seffion houfe of the Kirk of this burgh of Aberdeen this day, as at the appointed day and place, for holding the General Affembly of the Miniftrie of this realme, they were charged be John Wifhart Mefenger, be vertue of his Majesties letters, given be act of his Hienes Secret Counfell, of the date at Edinburgh the 20 day of June laft bypaft, within the fpace of a quarter of an hour fince, that they fhould fuffer their Affembly to defert, repair every one of them to their own dwelling and charge; and that they are no wayes to prefume, nor take upon hand to conveen, nor affemble themselves in any place, for keeping of the faid Affembly, under the pain of horning; as the copie of the faid letters, which they fhew to us Connotars, and witneffes underwritten, fubfcribed, as appeared, be the faid John Wifhart Mefenger, proports; and that for obedience to the command and charge of the faid letters, they instantly, after the giving of the faid charge, diffolved, without any farther action, and came immediatly furth of the faid Seffion houfe and Kirk, to the faid Common Clerks chamber, at the weft end of the Tolbuith of the faid burgh, as to the moft publick place, to take notes, and instruments of their obedience to the command and charge of the faid letters, and diffolving of the faid Affembly in the hands of us Connotars under fubfcribing. And here-upon they craved and took instruments, day, month, and year forefaids, before thefe witneffes, Alexander Forbefs of Fingask, David Ronaldfon, John Tullidaf, Mathew Donaldfon, John Kemp baker, Alexander Thomfon Skinner, burgeffes of Aberdeen, Mr George Spence fervitour to the faid Mr John Forbefs, and Thomas Forbefs fon to Thomas Forbefs elder, burgefs of Aberdeen.

Sic fubfcribitur,

Ita est, Magifter Thomas Mollefonus, Scriba Communis de Aberdeen.

Ita est, Walterus Robertfonus, Scriba Substitutus burgi de Aberdeen.

Mr John Sharp, Clerk to the Affembly.

Proclamation by the King in Council.

James &c. For as much as wee, be a special article signified with our own hand, and sent home with the Laird of Laurestoun our Commissioner, signified our will and pleasure, that wee for many causes could not be resolved anent the tyme of the General Assembly, before the approaching Parliament; and that in virtue of the said warrant, the Commissioners of the General Assembly, according to our pleasure, acquainted the Presbyteries of our realme, with our commandement in that matter; and willed and desired them to forbear all conveneing, meeting, or keeping of the said Assembly; nevertheless a very few number of the Ministrie, led with the spirit of disobedience, and contempt of all lawfull authority, most unlawfully and contemptuously convened themselves within our burgh of Aberdeen, upon the second day of July last; And misregarding the former discharge given to their Presbyteries, the letters of horning executed against themselves, with our Counsels missive letter delivered to them be our said Commissioner, they proceeded to the holding of an Assembly in such forme, as neither the abience of the best of the Ministrie, who would attempt nothing might be offensive to us, or prejudicial to the authority of a lawfull and solemne meeting of ane Assembly, nor the dissenting of our Commissioner, that any thing should be done therein, could make them dissolve, while first they had made election of their Moderator, and appointed a new day to their next Assembly; and they knowing that their inordinat meeting, which was assisted with so few of the Ministrie, and that of the most ignorant and least accounted, could not have the ground and warrant of a lawfull Assembly; and that there could not be any law, practick, or custome of any other reformed Kirk in Europ, to justifie and approve their doings: Lyke as the whole Commissioners of the General Assembly having assembled themselves thereafter, and after due consideration of their foolish proceeding, having found the same to be no lawfull Assembly, and all utterly disallowed the same, the said Ministers thereof, in further contempt and disdain of us, our Counsel, and Commissioners, have continually sentyne busied themselves in soliciting and procuring the approbation, consent, and allowance of the whole Presbyteries of our realme, to their insolent and unlawfull proceedings, minding thereby to make their privat and factious proceedings to be a common cause of the Kirk, and by soli-

citing fuch unlawful approbation of the Prefbytries to pervert the whole order of our General Affemblies : wherein not only the perfonal prefence of the whole, or moft part of the Commiffioners of the Prefbytries of our realme, is alwife neceffary ; and without the which there cannot be an Affembly, but our own confent, or confent of our Commiffioner being prefent, which is altogether requifit : and fo as they began with contempt of us, and break of our lawes, even fo their unlawfull courfe and progreff of their proceedings tend to nothing, but to heap contempt upon contempt, and will produce farther inconveniences, without remeed be provided. Our will is herefore, and wee charge yow ftraitly and command, that incontinent thir our letters feen, ye pafs, and in our name and authority command and charge and inhibit all and fundrie Synods, Prefbytries, and Seflions of kirks, and Minifters within our realme, be open proclamation, at the Mercat Croffes of the head burrowes of our realme, and other places needfull, that none of them prefume nor take upon hand privatly nor publickly in their Seflions, or meetings, nor in Conference, fermons, nor no other manner of way, to authorize, approve, juftifie, or allow the faid unlawfull meeting, and Affembly at Aberdeen ; neither yet to make any act thereupon, nor doe any other thing, in privat or publick, which may feem to countenance the faid unlawfull Affembly, under the pain to be reputed, holden, efteemed, and purfued as guilty of this unlawfull meeting, and to be punifhed therefor with all rigour. And ficyke, that ye command and charge all and fundrie Lords, and Barons, and gentlemen, Magiftrats, and all other our lieges, who fhall happen to be prefent, and hear any Minifters in publick or in privat conferences, and fpeeches, or in their fermons, to approve and allow the faid unlawfull Affembly, raile and utter any fpeeches againft our royal commandements, or proceedings of our Counfel, for punifhing and fuppreffing fo hainous enormities, that they make relation and report thereof to our Counfel, and furnifh probation ; to the effect the fame may be condignly punifhed, as they will anfwer to our Counfell thereupon : certifying them who fhall hear and conceal the faid fpeeches, they fhall be efteemed allowers of the fame, and fall be tane order with, and punifhed therefore without favour. The which to doe, &c.

Given at Edinburgh the eight day of Auguft 1605.

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Copie of the Kings Miffive fent to the Prefbitrie of Dumfermline.

Truftie and weel beloved, we greet you heartily well. Our knowledge of the jealousies and diftractions of the late time, arifeing without anie neceffar or effential caufe in the Kirk of Scotland, the progrefs whereof might tend to open diffenfion among the Paftors, to their own trouble, the evil example of our people, and our mifcontentment, having moved us to fend for a number of the Miniftrie, whom we underftand to be of knowledge and good experience, that by their information the caufe of thefe greeves might be truelie known, and the beft means devised for removing fuch unnecesfarie conventions, and reducing their proceedings to a fettled good order for their own quietnefs and our obedience, we have not received that fatisfaction of them which we expected, their answers tending more to ignorance of thefe diftractions and grudges, (which to our grief are verie manifef to the world,) nor to anie advice of the remedies therof; and becaufe we could not be blamelefs of undutifull negligence, if we fhould leave any good means unaffayed, which might bring readieft remeed unto bypaft diforders, and beft affurance for good order in the Kirk and obedience to our authoritie in time coming: Therefore we have thought it neceffarie to appoint fome Noblemen and others of our Counfell to conveene with a good number of godlie, wife and learned Minifters of the Prefbitries of that our Kingdom, at Linlithgow the 10 day of December next to come, to advife and refolve upon the remeeds of bypaft diftractions, preventing of imminent dangers be the daylie increafe of the number of Papifts travelling in all corners of that Kingdom, to difturb the peace of the Kirk and countrie, and to fubvert our royal eftate, and for fettling of good order and quietnefs in the Kirk, and obedience to our authoritie: For which purpofe our will is, that ye direct Mr John Fairfull, Minifter of Dumfermline, Mr Andrew Forrefter, Minifter there, and Mr James Stewart, Minifter at Sauling, of your Prefbitrie, to be prefent with fuch of our Nobilitie and Counfell as we have commanded to meet them the faid day and place, that be them they may know our godlie and juft defires, and that fuch as ye fend may give their information, advice, concurrence and judgement for the furtherance of good order, peace, and obedience in the Kirk and countrie to our authoritie, preventing of Papifts courfes, delating of the names of the authors therof, and fuch as receipt Jefuits, Priests, and trafficking

Papists, or other excommunicated persons ; as also such as resort not to the Kirk and communion according to our laws and acts of Parliament made thereanent ; and in all other matters of the like nature, tending to the peace of the Kirk and our obedience, whereanent our constant affection to the advancement of all such godlie purposes will be more largelie signified unto them att the said meeting, be such of our Nobilitie and Counsell as have our expresse direction in these matters. So resting assured of your conformitie and dutifull obedience in the performance of this our command tending to so godlie and necessary ends, we bid you heartilie fairweel.

Att Newmarket the 20th of October 1606.

To our trustie and well beloved the Ministers of the
Presbitrie of Dunfermline.

A. D. M.DC.VI.

IN the Affemblie of the Kirk of Scotland conveyit be his Majestie
and haldin at Linlithgow, Anno 1606,

Sessio 1^a. 10 Decembris,

Were present the Noblemen following :

Montrose.	Lothian.	Cullrofs.	Clerk Register.
Glencarne.	Mr of Montrose.	Halyrudhouse.	Bruntiland.
Linlithgow.	Mr of Lothian L. Newbottle.	Justice Clerk.	Kilfyth.
Orkney.	Lindsay.	Privie Seal.	
Dumbar.	Wchiltrie.	Advocat.	
Wigtown.	Skoone.	Collector.	
Kinghorne.	Blantyre.		
Abercorne.			

BARONS.

Kinnaird.	Sir John Hamilton.	Montrose.	Blantyre.
Torrie.	Balmaine.	Lindsay.	Kilfyth.
Balcolmie.	Waughton.	Collector.	
Innerweek.	Balvaird.		

The Ministers out of the Presbitries were about the number of 130, out
of the most 3, out of some 5, some 6.

Mr Patrick Galloway, as Moderatour of the last Assembly, was desired to have preached on the morne. He refused, alledging he knew nothing of that meeting, and was not provided. It was answered, that the meeting should be prorogued to the 22 of that instant, and so he should have time to be provided; but he continued constant in his refusal. In end he was dealt with to make a prayer as his Majesties Minister, and not as Moderatour att the meeting, wherunto he yeilded. So the Bishop of Orkney, Mr James Law, made the sermon upon these words, Pray for the peace of Jerusalem. Therafter Mr Patrick addrest himself to the Moderatours place, prayed, and made a discourse upon Math. 18, 20. He opened the causes why his Majestie appointed the meeting, namelie, to take order with Papists; to advise what way Ministers might be better provided with constant stipends; and how jarres among the Pastors might be removed.

The Erle of Montrose principal in the Commission followed with a short harangue, which was explained by Mr Patrick, because his voice was weak. The sum wherof was, that we had all cause to praise God for the care that his Majestie had for the peace of this Kirk and maintainance of the freedom therof; and ended with an exhortation to the brethren convened, to judge charitable of his Majesties proceeding, and to give to his Hienes satisfaction in the matters to be proponed.

Mr John Prestown seconded him with a large discourse of the pains and travells which his Majestie had taen in the affairs of the Kirk, the manie good laws made by his Majestie for maintainance of religion, the great care his Majestie had to have all the Kirks of Scotland planted, and how in all the expeditions made in the South and North against his Hienes rebels, his Majestie employing ever some time in the affairs of the Kirk: And so ended with exhortation to give his Hienes satisfaction.

The Clerk of Register followed, affirming that seeing his Majestie was a Chrystian and religious Prince, and so well grounded in his religion to the admiration of the whole world, that he ought to be obeyed in all his directions, alledging Paul in his Epistle to Timothy, exhorting, for the peace of the Kirk, to pray for all Princes, especialie for the tyrant Nero, under whom they then suffered persecution. He remembred some speeches uttered by some of the Princes of Germanie, namelie the Duke of Saxony, extolling his Majesties constancie in his religion; and so inferred, that seeing strangers had so reverent regard of his Majestie, his own subjects should not be lead with a sinister conceit.

After this, Mr Patrick Galloway said it was needfull that there should be a Moderator chosen, and produced 4 in leit, viz. Mr Patrick Sharp, Mr Robert Howie, Mr Alexander Lindsay, Mr James Nicolson; and the said Mr James was chosen Moderator.

When he entered into his place, he assumed Mr Henry Philip, Minister of Arbroth, to be Scribe without the oath of fidelitie. Therafter a number were nominated for the privie conference, which was appointed to be that afternoon; and so the Assembly dissolved for that day.

Selfio 2^a. 11 Decembris.

The Assembly mett at eleven hours, and after prayer the Moderator examined the whole Bishops and Commissioners of Presbitries upon their diligence in seeking the execution of his Majesties laws against the Jesuits and excommunicated Papists, of whom there were some given in be everie Presbitrie in writte. There was no diligence reported but excuse; and the chief excuse was upon the oversight granted to the Marquess of Huntlie and his Ladie. After a sharp rebook given unto the Bishops and the Commissioners for their negligence, and oversight in that point, the Assembly dissolved for that night, and the Conference appointed to meet the morne att 8 hours.

There were handled these points; 1. Anent the suppressing or reforming of Papists; 2. Anent the planting of all the kirks in this land; 3. Anent the remedie of the eyelists and distractions that were among ourselves in the Ministrie here.

1. For the suppressing and reforming of Papists.

The Papists were ranked thus. Some were Jesuits, Priests, fayers and hearers of Messe; and the whole number of Ministers were posed in conscience to delate their names. Manie ample promises were made and conclusions taken for prosecuting the laws with all rigour against them; yea his Majesties garde here was then to be directed to take and apprehend them.

Some were recusants or not communicants, who were ordeaned to be

proceeded be the Kirk with all expedition, and their names also to be given in with the roll to the Counsell, who promised to exact the penaltie in the law prescribed against them, who at least communicat not once everie year, and no exceptions of persons to be ; and this to be the civil punishment without prejudice of our censures ; and promise made that no letters shall be directed from Counsell, as was wont, to stay our discipline against anie person whatsoever.

Some were Noblemen contrarie minded and not as yett resolved, albeit they have subscribed, sworne, and communicated some time with us. These were ordained with all diligence to address themselves to several burghes to hear the Word, confer, &c. for their better resolution ; and yett to be proceeded, except they wait well on and profited &c.

The Noblemen suspected of Papistrie are ordained to be confined in the towns following, viz. the Erle of Sutherland, his wife, and mother, in Innerness ; the Erle of Cathness and his Lady in Elgin ; the Marquis of Huntlie, his wife and bairns, in Aberdeen ; the Erle of Angus, his wife and bairns, in Glasgow ; the Erle of Hume and Lord Hereis in Edinburgh ; the Lord Maxwell in Lyth ; the Lord Semple in Iruing.

And that these things might take effect according to the mind of that meeting, these two orders were devised. 1. That a letter of request should be formed and sent to his Majestie, for causing the foresaid Noblemen resort with diligence to their several appointed cities. 2. That some brother be appointed ane Agent in everie Presbitrie, to informe the Counsell of all Papists, Jesuits, or Excommunicants within their bounds, to raise Letters, to keep the Counsell's dyets, and to see the Counsell's decreits put in execution, who should be a constant Moderator to be answerable for his diligence in these points ; and for his service he shall have in pension of his Majesties patrimonie ane hundred Scottish pounds, if he be not a Bishop in that Presbytrie : Otherwise, where the Bishop is, he shall have the burthen and receive no gain therefor.

The Acts of the General Assemblie anent the instructing of Noblemens sons at home, who passing out of the countrie returne Papists, are promised to pass be statute in the next Parliament.

2. For planting of Kirks.

1. The Lords Modifiers chosen and appointed att Parliament promised

to litt down att Edinburgh the first of January, for modification of stipends to the Abbey Kirks of this new erection; the same to be done in Bishops Kirks, and that be reason the act of annexation was dissolved in their favours in this last Parliament.

2. The benefices of cure, wherof Noblemen have a good part of the rent of, the Moderators, Bishops, Commissioners, are appointed to deale with our Lords of the College of Justice, for obtaining decreitts att least for sufficient provision.

3. Where they are small benefices and sett in tacks, to deal with the tacksmen for obtaining augmentation, and that be offering unto them new tacks, the greffome or entriffe silver wherof shall acres to the stipend in all tyme coming, and not be employed to anie mans privat use; and who refuseth augmentation, or this condition, their names to be sent to his Majestie, who shall take farther order with them, or ellis their tacks to be sett to others.

4. Where kirks are near adjacent, and aither mean in number or provision, then the Parliament shall unite two in one, and provide for them.

3. For takeing up the eyeleifts among the brethren, the causes therof were tried to be these.

1. The warding of the brethren now banished and scattered, wherof the remeed was thought to be this, viz. a letter of supplication was appointed to be written to his Majestie, and a writte of information to be formed be some of that number who were best acquainted with his Majesties mind and pleasure, to be sent to the brethren to acknowledge their oversight.

2. The want of a General Assembly, which, with advice of his Majesties Commillioner at that meeting, was appointed to be holden at Edinburgh on the last Tuesdai of July nixt.

3. A heaveie suspicion and fear in all good mens hearts, that inbringing of Bishops in our kirk should spoil us of our discipline, &c.

For remeed wherof, the Bishops protested there was no such thing in their mindes, and willinglie submitted themselves in all tyme coming to the judgement of the General Assemblie; and that his Majesties minde and pleasure was never otherwise, but that the most wise and grave men might be Moderators of the Presbitries ad culpam, who should be subject to the judgement of the Provincial Assemblies, without any farther power

than they had before, except that his Majestie would have them members of his Parliament for the Kirk. Some objected their non residence within their Diocie, and not preaching there where their benefice lay. They answered, their benefices were spilt and wanted present provision ; and therefore required a time to seek the benefite of the law.

That meeting ordeaned, that betuixt that time and July nixt, they should either make residence, or demitt their place to others who should do the same.

Then came in his Majesties desire, that untill the time that Papists were repressed, and jarres removed out of the Kirk, a constant Moderatour might be appointed for everie Presbitrie, because in the changing of the Moderator the diligence of executing the process failed, because the new Moderator was unacquainted with the former proceedings. It was answered in the privie conference, that all the presbitries and everie brother thereof should know the estate and proceedings of matters, and so might be able to put matters in execution, and much more the fittest to be chosen to the purpose, according to the nature and estate of the affaires in hand.

Mr Patrick Galloway proponed 3 difficulties. 1. The prejudging of the Presbitries in their free election, who did best know the qualities of their members. 2. The tyrranizing of such a Moderatour over his brethren, and usurpation of jurisdiction and authoritie over them. 3. The prejudice of the General Assembly in the free nomination of Commissioners for everie Presbitrie, seeing by all appearance there was no other thing meant but to make a General Assembly consist of Bishops and Moderatours of Presbitries.

For removing of these difficulties, it was provided, that the Moderator should be answerable to the Synod for all his oversights and offences, and removeable be them after a lawfull tryall ; and the worthiest of the Presbitrie preferred to his place.

That everie Presbitrie should have free election of two or three Commissioners to everie Assembly ; and that it should be in their option to make choise of the Moderator or not ; alwise all the Moderators are appointed to be present at everie Assembly.

These cautions being sett down, and the articles fullie aggried upon in the privie conference, it past in open Assembly, and agreed upon, that he who before was named the Agent, should be this constant Moderator. Two were non liquet ; 4 refused to vote as wanting commillion ; 125 Ministers agreed.

Laft, There was an admonition and exhortation given to all the brethren, to entertean alwife charity and love among themselves, and to bewar to speak any thing unadvisedly againft his Majesty.

The great Commillioner the Erle of Dunbar thanked the Convention in his Majesties name, desired the whole brethren to thank him, seeing they had found all things to their contentment, and pray for him; and to make it knoun to their brethren and people, so soon as they came home, what good was done att that Convention.

The Erles of Caffils and Eglintown thinking all things well done, desired a copie of all things concluded before their departure. It was alledged that could not instantlie be done. They promised with all diligence to go to Edinburgh and there cause putt in print all things concluded att that meeting, that all men might know them. C.]

Sessio 3^a. 12 Decembris.

In lyke maner the Conference finding that nothing mair weakened the credit and strenth of the Ministerie and discipline of the Kirk against Papists, nor mair emboldned the adverfares to goe foward in their erroneous course, than the appearances of division in the Ministrie among themselves, and the alienation quhilk seemeth to be of his Majesties mynd from some of them: Therefor, the removeing of all eyelyfts and shew of division and alienation of mynds, either among the Ministers themselves, or of his Majesties good affection and favour from any of them, was thocht ane soveraigne remedie for the effectual suppressing of Papistrie. And having seached and found out the cause of the difraction and alienation of mynds forsaids in the Ministrie, to be partlie a feare that some of their brether was of purpose and vpon course to subvert the libertie and discipline of the Kirk of Scotland, by removing their Sessliouns, Presbyteries, Provinciall and Generall Assemblies, or by vsurping in thair awin persons some sick tyrranous and unlawfull jurisdiction as is no wayes lawfull, neither to be tolerated in a truelie Christian reformed Kirk, and to shake off that obedience to all good ordour and comelines, established or to be established by the lafull assemblies with his Majesties consent; and partlie a greife that some of the brether were banished foorth of his Majesties dominions, and vthers diseased be long warding and relegation from their habitations and charges: And

finding lykewayes be the declaration of his Majesties commissioners, and sicker as were privie to his Majesties mynd, that his Hienes was no less grieved with divers formes and actions of some of the Ministrie, for not haveand due regard and care to vse sicker course in their actions and administration in the Kirk affaires, as might serve to intertain a solid peace and quyetnes betweene his Majestie and them, as lykewayes mutuallie among themselves; and in speciall, that the charge of that government was oftentimes and almost ordinarlie committed to sicker as, for lake of wisdom and experience, was no wayes able to keip their estate in any good frame or quyetnes, quhervnto his Majestie imputed the chiefest cause of all the greifes and troubles quhilk had fallen out this lang tyme amongst the Ministrie themselves, or any offence given be any of them to his Majestie; and that his Majestie could not be satisfiied quhill this inconvenient were first removed, and a faithfull remedie provyded, that heirafter the lyke sould not fall out, quhilk his Majestie summarlie comprehended in this, if the affaires of the Kirk sould be administrat be the wyfist and most godlie; wheranent also his Majesties speciall overture as heirafter followes, was proponed.

It is his Majesties advyse to this Assemblie, and pleasure, that presentlie ther be nominat in everie Presbyterie ane of the most godlie and most grave, of greatest authoritie and experience, and meitest for government, to haue the moderation of his Presbyterie quhere he remaines, till the present flurres and fyre of dissention quhilk is amangs the Ministrie, to the great prejudice of the authoritie and credit [of the same,] and the hinderance of the Gospell, and his Majesties high offence, be quenshed and taken away; and the noblemen and others professing Papistrie within this kingdome [be either reduced to the true profession and obedience of the Gospell, or ellis] so repress by justice and execution of lawes, or be the labours of the Ministrie and discipline of the Kirk, that they be not able to hinder the course of the Gospell, or strenthen and encourage the credit and power [of false religion, and that the chiefest burthen of delation of the said Papists, and solistation for justice and execution] of laws against them be committed unto the saids Moderators, and that the Bishops in the Presbyteries quher they are resident in ane of the kirks of the Bishopric, have this care and burden committed vnto them; and seeing that it will credible fall out that in the Presbyteries, through the greatnes of parties and the langsumnes and difficultie of processe, the saids Moderators will sometymes be constrained to referre the doing heirof to the Provinciaill Assemblie and the Moderators

therof: It is therfor his Majesties advyse and pleasure that the moderation of the Provinciaill Assemblies, and perfewing of actions of greatest difficultie be committed vnto the Bishop makand lawfull residence within the said province, or to the worthiest of them quhen it fall happen moe than ane to be in ane province, in respect that his Majestie bes bestowed vpon them moyane and places, quherby they may be able to beare out the charges and burdein of difficile and dangerous actions quhilk other ministers were not able to sustane, and lykewayes, by their credit and place in counsell, are able in sick causes, to procure greater celeritie and execution of justice as in sick cases will be requisite, than vthers.

The Conference having advyfed, first, anent the taking away of the forsaids feirs and suspitions, and satisfactioun of the griefes, and willing to vnderstand of his Majesties Commissioners, and sicker as latelie had been acquainted with his Majesties intentions, and willing lykewise to heare the declaration of the Bishops heiranent as touching their awin intentions and purposes in this errand: It was declareit, that it was not in any wayes his Majesties purpose and intention to subvert and overthrow the present discipline of the Kirk of Scotland, but rather to augment and strenthen the samen so farre as it could serve for the well of the Gospell and the restraint of vyce, and to sicke eyelifts and offences as in the administration therof was the occasion of just discontentment vnto his Majestie, and a hinderance to the credit and authoritie of the ministrie [among the people, and amongst the Ministry] themselves, removed and tane away be sicke good overtures as is above expressed.

In signe quherof, as ther is nothing done in derogation of the halding of the Sessions, the Presbyteries and Provinciaill Assemblies, so it was never his Majesties intention, but that the keiping of Generall Assemblies at certaine competent tymes was, and is a most necessarie mean for the preservation of peace and vnion in the Kirk, and extermination of all heresie and schisme in the same: Therfor his Majestie doeth gracioullie declare, that as the Acts of Parliament doeth still stand in full force and effect for the conveying of Assemblies anes everie geir by his Majesties direction, so it is his Majesties will that the day of conveying the next Assembly fall be at Edinburgh the last Tuesday of July.

Sielyke, the haill Bishops declarit that it was not their intention to vsurpe and exerce any tyrannous and vnlawfull jurisdiction and power over the brethren, nor to ingyre themselves any wayes vnlawfullie in the Kirks

government, or any part therof, farder nor fall be committed to them be the Presbyteries, Provinciaill or Generall Assemblies ; and if it fould happen to fall out that they, or any of them, fould be found to doe the contrair, then, and in that cafe, they were content to fubmitt themselves vnto the censure of the Kirk als humble as any other of the brether of the ministrie.

In lykemaner, it was declared that his Majestie, according to his accustomed longanimitie and patience towards sick as happened to offend him of the ministrie, had delayed for a verie lang tyme to give foorth any sentence against the brether now banished, still hoping that by their good behaviour and humble sute for his Hienes pardon and favour, his Majestie might have occasion to shew his clemencie towards them ; and albeit his Majestie beand iustlie provoked, was moved to give forth his will anent their banishment, yet immediatlie, being requested in their favours be the Bishops and other brethren there present with them, it pleased his Majestie to declare, that their want of his favour proceedit upon their awin default, quho had never humbled themselves to seek his pardon as became them.

In respect quherof it was thought meit to direct the Bishop of Aberdeen, Mrs Patrick Sharp, Patrick Gallaway, Robert Wilkie, John Struchane, John Hall, John Hay, with the Moderator of the Assemblie, to write a letter to the said brether in their name, [givand them advyce so to frame and send their humble] sute to his Majestie for his pardon and favour to them as may give his Majestie greatest satisfaction, and that the Assemblie earnestlie requested his Majesties Commissioners and vthers Noblemen employed be his Majestie to this Assemblie, so soone as their said supplication fould come from them of the tenor forsaidd, to concurre be their credit and intercession with his Majestie, to procure them to be partakers of that gracious favour quhilk his Majestie at no tyme heirtsofir refused to any of that profession quhom he fand willing to acknowledge and amend their oversight, and have recourse to his clemencie ; for the quhilk declaration the Conference praised God, and thocht good that the brethren fould be written to as is befor said, and be the brethrin befor named.

Thereafter, having considered the overture proponed to them in his Majesties name, and finding it in shew, to carie some appeairance of novation in the discipline of the Kirk, and fearing that it might bring with it some inconvenients : Therfor the Conference wold not take on them to determine their advyce theranent, quhill first the mater were exactlie

reasoned in their prefence, and fufficient remeid provyded for preventing all inconvenients [which] might [be feared to] follow thereupon : Whereupon a good number of the moft learned, godlie, and wifeft of the brethren of the Conference, being appointed to reason and heare one after another ; and having exactly and at good length reasoned and examined quhatfomever inconvenients might follow upon the eftablifhing of the faid overture, it was confidered and found at laft be one vniverfall voyce and confent of the whole Conference, but contradic^{ti}on, that the faid overture was both wife and godlie, and tending many wayes to the well of the Kirk : Provydeing that certaine cautions were obferved for preventing fuch evils as might happen to fall out in cafe the faid Moderators, or any of them, [fhould] either arrogantlie prefume to vfurpe any farder power in the faids Prefbyteries and Affemblies than it is comelie and lawfull for Moderators in fick cafes to doe, and prefently ufe, without innovating and altering at their owne fantaffies, and at their owne hands, the cuftome that the difcreit Moderators have vfed and aught to vfe in that place, or urtherwayes be found remiffe in proponeing or profecuting any good purpofe or overtures quhilk fould be given in be the brethren or any of them to the faids Prefbyteries and Affemblies : and according to the doubts quhilk in reasoning were found out and feared, the cautions following were aggried upon :

1. That it be provyded that the Moderators of Prefbyteries and Provinciaall Affemblies to be nominat and chofen according to his Majefties overtures, fall prefume to doe nothing in the Prefbyteries and Provinciaall Affemblies where they moderate, without the fpeciall advyfe and confent of thair brethren.

2. That the acts of the Generall Affemblies and caveats therein preferybed anent Bifhops be obferved.

3. That they fall vfe no iurifdic^{ti}on or power farder than the Moderators of Prefbyteries and Provinciaall Affemblies has bein in ufe of, be the conftitutions of the Kirk befor..

4. In cafe it fall happen the Moderators of Prefbyteries or Provinciaall Affemblies to be abfent the time of thair convention, then it fall be in the power of the faids Provinciaalls and Prefbyteries, to nominate and choofe out the wifeft and graveft of their brether, to moderate their meittings in abfence of the faids Moderators.

5. Quhen the place of the Moderator in any Prefbyterie fall happen to vaike, the elec^{ti}on of another to fucceed in his rowme, fall be made be the

whole Provinciaill Assemblée, with consent of his Majesties Commissioners, if any happen to be there present for the tyme.

6. And quhen any of the saids Moderators shall happen to depart this life betuixt Assemblies, it shall be lawfull to the Presbyteries to nominat ane of the gravest and worthiest of their number to continue in the Moderation of the Presbyterie quhill the next Provinciaill Assemblée.

7. The Moderators of the Presbyteries shall be subiect to the tryall and censure of the Provinciaills; and in case it shall happen that they be found to have been remisse in the discharge of their duetie, or [to have presumed] to vsurpe over their brethren any farther power than is given them be the Assemblée, it shall be ane cause to them of deprivation from their office of Moderation, and they shall be depryved therefra be the saids Provinciaills.

8. In lykemaner, the Moderator of the Provinciaill Assemblée shall be tryed and censured be the Generall Assemblée; and if he be found there, or to have been remisse from his office of Moderation, or to have vsurped any farther power nor the simple place of ane Moderator, he shall be depryved fra his said office of Moderation be the Generall Assemblée.

9. That the Moderator of ilk Presbyterie and Provinciaill Assemblée, with their Scribes, being chosen, faithfull, wise, and formall men, be astrictit to be present at all Generall Assemblies as members therof, and to have the Register of the acts and proceeding of the Presbyteries and Provinciaills there present with them, that their fidelitie and diligence may be sein be the Generall Assemblée, and the estate of the countrey thereby knawen.

10. That it shall be leifum to ilk Presbyterie to send Commissioners to the Generall Assemblée, by and attour the Moderator and Scribe, two or thrie, according to the act of the General Assemblée anent the Commissioners from Presbitries to General Assemblies, if they shall think it expedient.

11. That it is heirby declared, that notwithstanding of any thing done at this tyme, the Sessions, Presbyteries, Provinciaill and Generall Assemblies, are to be observed, keiped, and obeyed as they have bein heirtofoir.

12. That the Moderator of the Generall Assemblée be chosen be vote of the said Assemblée, certaine leits being first nominat and proponed frielie, as vse hes bein in tymes bypast.

13. That in everie Provinciaill Assemblée quher there is no Bishop mak- and actuallie lawfull residence, and haveand the Moderation of ane of the

Presbyteries, the Moderators of the Presbyteries within the said Province beand proponed on leitt, the meitest of them fall be chofen be the said Affembly Moderator thereof, his Majesties Commillioners consent there present beand had therto.

And farder, the Conference having examined the rolls of ilk Presbyterie, to sie if any was meiter to vse the office of moderation than these quihill befor hes bein nominat to have the care of the delation of Papists and vncommunicants, they fand in their judgement, that the same persons was of all vthers, in everie Presbyterie, meitest allweill to moderat as to haue care of delation forsaid ; reserveand alwayes vnto the Ministers of ilk Presbyterie here conveyit, their awne priviledge and power, to nominat vnto the Affembly a meiter, if any be in the Presbyterie, for the moderation : And therefore the said Conference finds it expedient, that the persons forsaids accept and take vpon them presentlie the said office of moderation within the Presbyteries respectivé, and that the Presbyteries embrace and allow of them ; and for this effect, that the saids Moderators and Presbyteries be requested thervnto earnestlie be this Affembly, and if neid beis, lykewayis charged, that the Kirk of God be not long frustrat of the comfortable effects that the forsaid ordour is able shortlie, be the grace of God, to produce.

This overture beand proponed and declared at lenth in presence of the full Affembly, everie article and heid therof was with ane vniform consent and allowance approved of all, without contradiction, except only so farre as concerned the Moderators in moderating of Presbyteries, and their continuance in the office of the Moderation beyond the accustomed tyme, quheranent certaine doubts beand proponit and satisfied, and the Bishops haveand given their declaration foorth of their awne mouthes anent their intentions and purpose, to be subiect unto the acts and caveats of the Generall Affembly, and to make residence within such a space as fould be limited to everie ane of them be this present Affembly ; and if it fould be found expedient for the well of the Kirk, that other meiter and more worthie than they to possesse and occupie their places, to demitt their benefices at the pleasure of the Affembly ; his Majesties consent [and approbatione] beand had thereto, wherein they promised, and if neid were, to be earnest suiters at his Majesties hands. Lykeas some of them declared, that they had alreadie most humbly craved the same of his Majestie for the respect they had to take away all offence from their brethren, providing

alwayes if aither, vpon his Majesties advyse or propofition to the Affemblic, or their awne supplication, the Generall Affemblic be moved heirafter, to grant them any relaxation of any of the caveats, quhilk vpon good reason might appeare to the said Affemblic to be over ftrait, that this their promise fall make no derogation to the libertie quhilk the Affemblic heirafter fall be moved to grant them.

It was voted, and be pluralitie of votes concluded, to witt, his Majesties Commissioners, whole Nobilitie, Erles, and Barrons, to the number of threttie-three, together with ane hundreth twentie and faxe of the Ministrie votting affirmativé, that the said overture anent the continuance of the Moderators quhill the present divilion of the kirk be removed, and the whole brethren broght to that unitie of mynd and affection quhilk is agreeable to their calling, and may serve best to the furtherance of the cause of God, and overthrow of all contrarie cause, and the Papists als fullie represt or brocht to the obedience of the Gospell, shold passe and be enacted as ane of the conclusions of this Affemblic; the forsaids caveats beand alwayes keiped be everie ane of the saids Moderators, and the contraveiners censured and punished as is befor exprest; foure only of the whole Affemblic be their votes disaffenting therfra, and vther foure refusing to vote for want of commillion fra their presbyteries, and twa beand non liquet.

Extract foorth of the Book of the Acts of the Affemblic at Lynlithgow, and subscryvit be the Moderator and Scribe thereof.

Sic Subferibitur,

James Nicolfone, Moderator.

Maister Hendrie Philp, Scribe.

THE NAMES OF THE MODERATORS OF PRESBYTERIES.

SETLAND. Mr James Pitcairne.

ORKNAY. The Bishop of Orknay, in his absence Thomas Swintone, vpon his expenses.

CAITHNES. The Bishop of Caithnes, and in his absence Mr Samuel Bruce, vpon the Bishops expenses.

Taine. Mr Johne Ros.

ARDMANNATH. Mr George Monro, to be payed by the Bithop
of Ros quhill he be refident ther himfelfe.

INNERNES. Mr James Bifchop.

FORRES. Mr James Dundas.

ELGIN. The Bifhop of Murray.

DUMBENNAN. Mr Robert Hay, and failzeing of him Mr George
Chalmers.

CULLEN. Mr George Douglas.

BAMFF. Mr George Hay.

DEIR. Mr Abraham Sibbald.

ELLONE. Mr John Reid.

GARIOCH. Mr Robert Burnett.

AUFURD. Mr Alexander Guthrie.

KINKARDIN ONEILL. Mr John Strauchane.

ABERDEIN. The Bifhop of Aberdeen.

MERNES. Mr Andro Ramfay.

BRECHIN. Mr Dugall Campbell.

ABERBROTHOK. Mr Arthur Futhie.

DUNDIE. Mr John Ramfay.

MEGLE. Mr James Nicolfone.

PERTH. Mr Alex. Lindelaf.

DUNKELD. Mr William Glafs.

COUPER. Mr William Scot, and till his return Mr Johne Caldeuch.

SANCT ANDROIS. The Bishop of Sanct Andrews, and in his absence Mr Robert Wilkie, to be payit be the Bishop.

KIRKADIE. Mr John Michelfone.

DUNFERMLING. Mr John Fairfull.

AUCHTERARDOUR. Mr John Davidfone.

STRIVILING. Mr Patrick Simfone.

LYNLITHGOW. Mr Robert Cornwall.

EDINBURGH. Mr John Hall.

DALKEITH. Mr George Ramfay.

HADDINGTON. Mr James Carmichaell.

DUNBAR. Mr Edward Hepburne.

CHIRNESYDE. Mr John Clappertoun.

DUNCE. Mr David Hoomie,

MELROS. Mr John Knox.

KELSO. Mr James Knox.

JEDBURT. Mr John Abernethie.

TWIDAILL. Mr James Logane.

LANERICK. Mr William Birnie.

HAMILTOUN. Mr Robert Dalkeith.

GLASGOW. The Bishop of Glasgow, and in his absence Mr Patrick Sharp.

PAISLAY. Mr John Hay.

DUMBARTON. Mr John Blackburne, and quhill he make residence, Mr William Stewart.

AIR. Mr John Inglis.

IRWING. Mr Alexander Scrimgeour.

DUMFRIES. Mr Thomas Ramfay.

KIRKUDBRIGHT. The Bishop of Galloway, and in his absence, Mr Robert Glandynning.

WIGTOUN. Mr James Adamfone.

ARGYLE. The Bishop of Argyle.

ISLES. Mr Robert Steuart in absence of the Bishop, and on his expenses.

Extract.

James Nicolfone, Moderator.

Maister Hendrie Philp, Scribe.

Followeth the tenour of Letters of Charge to Presbyteries to accept
constant Moderatours.

James by the grace of God &c. For as much as at the General Assemblies of the Kirk kept at our Burgh of Linlithgow, in the month of December last, and assisted be a very frequent number of the Nobility, Counsell, and Barons of the Kingdome, it was thought very meet and expedient, and in end concluded, and agreed with uniform consent of the Assemblies, that for the well of the Kirk, and staying of the growth and number of Papists in this our Kingdome, there should be a constant Moderator for a certain space nominated in every Presbytrie, who should have the charge to inform the Lords of our Secret Counsell of all Papists and recusants in their bounds, and to fute the execution of our laws against them, as in that Act made thereupon at length is contained: Which being seen, and considered be us, we have not only allowed and approved the same, and interponed our authority thereto; but have recommended to our Counsell, that they have a special care and regard to see the same receive due obedience and execution; likeas was nominated and appointed Moderator of the Presbytrie of And albeit it was hoped that this godlie and necessary conclusion, importing so highly the well of the Kirk, should have been with all thankfullness received and embraced be the Presbyteries of this our kingdome: nevertheless the Ministers of the Presbyteries of for what cause we know not, refuse, at least delay to receive the said Moderator, and conforme themselves to the ordinance and conclusion foresaid, the continuance whereof will altogether make the same ineffectual, without remedie be provided. Our will is herefor, and we charge you straitly and command, that incontinent these our Letters seen, ye paise, and in our name and authority command and charge all Ministers of the Presbytrie of and their Clerk of the said Presbytrie, to conform themselves to the ordinance and conclusion of the said Assembly, and to receive their said Moderator, and to acknowledge him in all things dew to the priviledge of that office, without excuse or delay, within 24 hours next after they be charged be you thereto, under the pain of rebellion, and putting of them to our horn; and if they fail therein, the said space being bypast, that ye incontinent thereafter denounce the disobeyers our rebels, and put them to

our horn, and efcheat and inbring all their movable goods to our uſe for their contemptum. The which to doe we committ to you conjunctly and ſeverally our full power be theſe our Letters, delivering them be you dewly executed, and indorſed again to the bearer.

Givin under our Signet at Edinburgh the vi day of January,
and of our reigne the 44 year 1607.

Per actum Secreti Conſilij. James Primroſe.

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Proclamation for proroguing the General Aſſembly indicted at Linlithgow
to be holden at Halyrudhous the laſt Tueſday of Julie.

James be the grace of God, King of Great Britain, France, &c.: For as much as the increaſe of the adverſaries of the truth, and contrarie profeſſours, has proceeded of nothing ſo much as of the diſſention of the Miniſtrie of our kingdome of Scotland, ſome of them by natural inclination being enemyes of quietneſs, and turbulent ſpirits, making choice rather to drink in mudie water, than to taſte of the clear fountain, being emboldened be reaſon of the ſocietie of a great many others who being guiltie of themſelves, of their own unworthieness, and ſmall gifts in that reſpect, out of all hope of preferment, and therupon envayous, and uncharitable toward their brethren of the beſt quality; and all of them runne and concur together like a headſtrong faction to uphold and maintain an anarchie, and thereby to induce diſorder and confuſion in that Church, to the great hindrance of the progrefſs of the Goſpel, and diſhonour and ſcandal of the profeſſours thereof: Whereupon we of our princely care and fatherly affection to the peace of the Kirk, deſiring rather in them to extinguiſh the fire of diſſiſion, than to ſuffer it to grow to any confuſion, and being ever willing to an uniformity of minds and affections, did thereupon appoint a moſt grave, frequent and ſerious Aſſembly, to be kept at Linlithgow in December laſt bypaſt, of a great number of the moſt godlie, zealous and well affected of the Nobility, Counſel, and ſmall Barons, from all the parts of that our kingdome, as alſo the moſt learned and experienced, wiſe, godlie, and diſcreet of the Miniſtrie, from all the Preſbyteries in great number, by whoſe travels, care, and wiſdome, every occaſion and pretext of grieve was in ſuch moderation and godlineſs removed, that as the ſame did yield us contentment, ſo was every

thing done in that Asſembly with a great and general applauſe of all, giving great hopes, that from that furth there ſhould be nothing found but unitie and concord in the Kirk, and that all their meetings thereafter ſhould be full of peace and love; and thereupon, be our ſpecial warrant and allowance, it was ſpecially appointed, that the nixt General Asſembly ſhould be convened and holden at Halyrudhouſe, the laſt Tueſday of July nixt to come: But we now perceiving, that, by the means of theſe evil diſpoſed, turbulent, and contentious ſpirits, all the proceedings of that Asſembly are brought in queſtion, and traduced; and by ſome no obedience given, and by others direct oppoſition made to the Acts concluded at that time, and therewith among the brethren ſuch diſtraction of minds, and bitter exaſperations one againſt another; and howſoever the meeting of the brethren, if it were in love and peace and unity, no doubt would be good in that Kirk; ſo there is no queſtion, but their convening with a preoccupied mind fraught with envy and malice, would give the enemyſ too much advantage to enter by that breach of their diſcord and diviſion, to make themſelves ſtrong, and weaken them: Therefor, we, to preven the danger that is imminent to the eſtate of the Kirk by the diſtraction of mens affections therein; and that the General Asſembly may be kept with the greater tranquility and peace, have thought meet and expedient, the whole Provincial Asſemblies, within that our kingdom, ſhall be kept and holden at their ordinary places of meeting the 4 of Auguſt next to come; and that in every one of the ſaid Asſemblies there be choſen two of the moſt godly, peaceable, wiſe, and grave, of the beſt experience of their number, with power and commiſſion to conven at Halyrudhouſe, the 27 of Auguſt next to come, with the remanent Commiſſioners of the Provinces, and with the Commiſſioners of the General Aſſembly, and ſuch of our Counſel as it ſhall pleaſe us to nominat for that effect, there to confer, reaſon, and conclude, by common advice, upon the moſt convenient remedies againſt theſe evils, which, for lake of ſufficient preparation, might fall out at the ſaid General Aſſembly, that thereafter the ſame being holden and kept in ſuch a quiet and peaceable manner as might bring true comfort to the godly, and terrour to the wicked: And, in the mean time, we have thought expedient, that the General Aſſembly, which was to be holden, be prorogued to the 24 of November nixt to come; and that no perſon preſume to keep the ſaid Aſſembly in any place whatſomever, untill the time that the Commiſſioners from the Synods firſt proceed in their meet-

ing ; and we have appointed the place of keeping the said General Assemblée to be in Dundie the day foresaid. Our will is herofor, and we charge you straitly and command, that incontinent thir our letters seen ye pafs, and, in our name and authority, make publication and intimation hereof be open Proclamation &c. Certifying all such as upon any pretext whatsoever shall presume to convene and assemble themselves, contrare to the tenor and intent of this our Proclamation, they shall be punished and proceeded against, as contemnners and disobeyers of this our most royal commandment.

Given under our Signet at our Court of Greenwich the 24 of May, and of our Reigne the 45 years.

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Proclamation by the King, for proroguing the General Assemblée.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. For as much as the General Assemblée being appointed to be kept in the month of November nixt to come, at our Burgh of Dundie ; and upon a speciall regard to the well of that Church, for the preventing of all disorder and confusion in that meeting, which ought to be a presidēt, and should give good example to all others of good order, discretion, and dutiful carriage, we having ordained a meeting of some Commissioners from every Synod in September last, to the effect all things may be so duetifully prepared as the adversaries of the Religion should not take any advantage of the contentions amongst the Brethren at their meeting : But so perverse is the disposition of some, who doe account nothing for oracles, but the invention of their own brain, that disdaining the course concluded be us, and by all apparent directly opposing themselves to the peace of that Church, by absenting themselves, or withstanding the sending of Commissioners to the foresaid meeting, which was appointed in September last, as said is, doe clearlie thereby demonstrat their unquiet and unrulie inclination, as too manifestly appears in this their insolent and wilfull misreguarding of these Aëts of the Assemblée at Linlithgow made with so uniform an applause : but whereas this was more than sufficient cause to have stayed the meeting of the said Assemblée, which, without this preceeding preparation, must needs be tumultuous and disorderly ; so in like manner, Gods present visitation of our said Burgh of

Dundie be the Plague, inforceth the prorogation of the said Asſembly to ſome other time. As alſo whereas the laſt Asſembly kept in our preſence, before our coming out of that Kingdome, ſpecial Commiſſion was given for viſitation, the reports whereof are the only ſpecial things to be treated on in this Asſembly; yet ſo great has been the neglect of them who were appointed to goe every one in Circuit within the bounds of their viſitation deſigned, that hitherto the ſame hath been pretermitted. To the effect, therefor, that in this point the convening of the ſaid Asſembly ſhould not be ineffectual, we have, by our ſpecial Letters, willed theſe Commiſſioners then appointed every one to have care in reporting againſt the time of the Asſembly hereunder mentioned, their ſeveral reports of their travels and tryels in their viſitation; having alſo nominated others in place of ſuch of the ſaid Commiſſioners as ſince that time are either deſeaſed, exiled, or confined. Our will is, herefore, ye paſs, and in our name and authority make publication and intimation be open Proclamation, at the Mercat Croſſes of our Burghs of Edinburgh, Perth, Dundie, and other places needful, that the General Asſembly is continued and prorogued to the laſt Tueſday of Aprile next to come, at which time it is to be kept within our ſaid Burgh of Dundie, and betwixt and then it may be hoped that it may pleaſe God of his mercie to remove the ſaid plague of peſtilence. And in this mean ſpace all Clergiemen whatſoever of whatſoever rank or degree are diſcharged heerby; like as that ye in our name and authority diſcharge them of all convening in anie form of pretended Asſembly at our ſaid Burgh of Dundie, or any part ells, the ſaid 24 day of November next, or any day thereafter before the ſaid laſt Tueſday of Aprile, under the pain of incurring our high diſpleaſure; and the contempt of the ſame to be puniſhed in moſt ſevere manner and higheſt degree. The which to doe &c. Be theſe our Letters given at our Court of Royſtoun, the 18 day of October, and of our Reigne the &c. Per Regem.

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Proclamation by the King for again proroguing the General Asſembly.

James by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. our Sheriffs in that part conjunctly and ſeverally, ſpecially conſtituted, Greeting.

For as much as the General Aſſembly of the Kirk having, upon many

necessary considerations, received fundrie continuations heretofore be our special command and direction, we, of our princely care, and fatherly favour, and affection to the peace and well of this Kirk, having left no good means unassayed to extinguish the fire of division standing amongst the brethren, and to bring them to an uniformity of minds, and harmonie, and charity, and they themselves made the more able and strong to oppose themselves against the adversaries of the truth, and contrarie professours, whose increasing number and practises hath proceeded of nothing so much as the dissention amongst the Ministrie: and the last prorogation and continuation having proceeded upon a godlie course and resolution intended by us be directing of the Commissioners nominated be the General Assemblie with our consent, to have visited the whole Presbyteries and particular congregations within this our kingdome; the said visitations, in respect of the long and great storm, and unseasonable time of the year, have received no effect nor execution. And we considering how that it is most necessary and expedient, that this visitation should yet preceed the said Assemblie; and we being minded, if the necessity of other weightie affairs impeche us not, to honour this our native country with our own presence this year, and to be present ourself at the said Assemblie, and be our royal authority settle the present jarres and differences in the Kirk, and establish the same in a perfect unity, love, and harmony: Therefor, we have thought meet yet to prorogate and continue the said Assemblie untill the last Tuesday of July next to come, upon which day, God willing, it shall begin and hold at our Burgh of Dundie. Our will is herefor, and we charge you straitly and command, that incontinent these our Letters seen ye pass to the Mercat Crosse of our Burgh of Edinburgh, and other places needfull, and there be open Proclamation make publication hereof, wherethrough none pretend ignorance of the same; and that ye in our name and authority command and charge all and fundrie our subjects of the Ministrie, that none of them presume nor take in hand to hold or keep a General Assemblie at any time or place before the said last Tuesday of July next to come, under all highest pain and charge that they may committ, and . . . against us in that behalf. The which to doe we committ to you, &c. deuly executed, and indorfed again to the bearer.

Given at our Court at Whitehall, the 24 of December, and of our Reigne the 5, and 41 years 1607.

Per Regem.

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Articles agreed upon be the Brethren conveyed at Falkland the 16 of June 1608, and be way of advice recommended to all the Presbyteries within the kingdom.

1. That the questions presently standing in controverſie among the Miniſters anent the matters of government, be untouched and unhandled on either ſide, till the next General Aſſembly, and no occaſion given, be privat or publiſt ſpeeches, of any farther diſtraction of minds; but that all by good countenance and otherwiſe kythe themſelves to others, as Brethren, and Miniſters of Chriſt, ſetting themſelves with their endeavours, ſpecialy in doctrine, againſt Papiſts, their ſuperſtitious religion, and proud pernicious practiſes.

2. That the General Aſſembly hold at the time appointed, which is the laſt Tueſday of July; and that his Maſteſtie be moſt humble intreated for that effect.

3. That in the ſaid Aſſembly the common affairs of the Kirk ſhall be handled, and an account of the Commiſſions given in the Aſſembly preceeding; and ſome ſolid courſe adviſed upon, for diſappointing the practiſes of the enemys, and the advancing of the Goſpel of Jeſus Chriſt.

4. That nothing which is in controverſie and make ſtriſe in the Kirk, be treated in the ſaid Aſſembly; but the ſame be conferred upon in a private conference, be ſuch as the Aſſembly ſhall appoint to prepare a way for compoſeing theſe differences; and the Aſſembly to appoint a meeting of brethren at ſuch times, place, and manner, as they think fit for that effect.

5. That requeſt ſhall be made to his Maſteſtie, for relaxing the brethren that are confined; and ſpeciallie ſuch of them as have been preſent at the Conference, that they may keip the ſaid Aſſembly.

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A. D. M.DC.VIII.

THE General Assemblie of the Commissioners from the Presbitries of the Kirk of Scotland, haldin at Lynlithgow, the 26 of Julij 1608 : In the quiblk were present the Kings Commissioner, viz. the Earle of Dumbar, &c.

Sessio 1^a 26 Julij.

Exhortatioun being made be Mr Patrick Galloway, Moderatour of the last Assemblie, the brethren, after the accustomed maner, proceedit to the electioun of the Moderatour of this present Assemblie. The leits being nominat, Mrs Patrick Sharp, James Law, Bischop of Orkney, John Michelfoune, Patrick Lindsay, John Hall, and Patrick Simfone; be pluralitie of votis, Mr James Law, Bischop of Orkney, was chosen Moderatour hac vice.

The Assellours appointit to conveine with the Moderatour in the Privie Conference for treating of such things as are to be concludit in the Assemblie, are these : The Erles of Dumbar, Wigtoun, and Lawthian, with the Collectour Generall, his Majesties Commissioners, the Erles of Glencarne and Kinghorne, the Lords Grahame, Lindsay, Lowdown, Blantyre, Halierudehous, the Lairds of Balmanie, Kinnaird, Kilfythe, Carnell, the Bischop of Caithnes, Mr William Dowglas, the Bischop of Aberdeen, Mr George Hay, the Bischop of Brechin, Mr Andro Leich, Mr Patrick Lindsay, Bischop of Sanct Androes, Mr John Michelfone, Mr Patrick Simfone, Bischop of Dunkeld, Bischop of Dumblaine, Mr William Cowper, Mr Patrick Galloway, Mr John Hall, Mr David Hume, Mr John Knox, Bischop of

Glasgow, Mr Patrick Sharp, Bifchop of Galloway, Mr Alexander Scrymgeour, Mr William Hamiltoun, Mr Thomas Ramfay, Bifchop of Argyle.

The boures of meiting are appointit to be, for the Privie Conference aught houres in the morning and twa afternoone; and for the Affemblie nyne houres in the morning and three afternoone.

The brethren appointit for reiding and answering of the bills are Mrs Airthur Futhie, Henrie Philp, John Clappertoun, John Reid, Peter Hewat, Edwart Hepburne, John Hay.

Sessio 2^a 27 Julij.

Forfameikle as one of the most speciall caufes of the conventioun of this present Affemblie is for fuppreffing of Papiſtrie and idolatrie, quhilk daylie more and more increaſes within this realme, and repreſſing of Jeſuites, Papiſts, Seminarie Prieſts, whoſe number ſtill more and more increaſes within the ſame, to the great diſhonour of God and overthrow of true religioun profeſt within this realme, if the ſame be not with ſome ſolid remeid obviat in tyme: Therfor, it is thought expedient be the Affemblie, that befor all vther things, this article concerning Papiſts and Papiſtrie be firſt advyſeit vpon and concludit. And to the effect that the Affemblie may the more ſolidlie and with the greater light proceed in the ſaid matter, therfor they have ordainit, that the Commiſſioners of every Synod, at the ryſing of this Seſſioun, conveine themſelves ſeverallie, and make ane roll containing the number of Papiſts and the names of them within the bounds of thair Synod: Secondly, The cauſes why Papiſtrie, idolatrie, and ſuperſtitioun is come to ſo great ane hight within this realme: Thridlie, The remeids for ſuppreſſing all ſorts of Papiſts and Idolaters within the ſame, viz. Papiſts already excommunicat, Papiſts quho hes ſworne and ſubſcryvit to the trueth, and get refuſes to imbrace the ſamein; and Papiſts that in word profeſſes the trueth, but in actioun and in deid contrair the ſame: Fourthlie, Quhat forme of proceeding every Synod hes vſit againſt the Papiſts within thair bounds: Quhilks articles the ſaid Synods ſhall put in wryte, and delyver the ſame to the Privie Conference at thrie afternoone.

It is lykewayes ordainit, that every Synod ſhall make a particular roll of the names of ſuch as are reſetters of Jeſuites, traffiqueing Papiſts, and Seminarie Preiſts within thair bounds, and delyver the ſame privile to the

Erle of Dumbar his Maiesties Commillioner, to the effect ordour may be takin theranent.

Item, Because the Marqueis of Huntlie hes bein lang vnder proces and cenfure of excommunicatioun befor the Synods of Aberdein and Murray ; and in respect of his contumacie, and obdurat superstitioun of Papistrie and Idolatrie, they have ordourlie led and deduceit the said proceffe vnto the finall sentence, the giving foorth and pronouncing quherof hes bein continuit be them from tyme to tyme, vpon hope of his Lordships amendement, and turning from Idolatrie and Papiflicall superstitioun to the true religioun presentlie profess within this realme ; and because they find no hope of the same, but, be the contrair, greater obstinacie : Therfor the hail Assëmblie in ane voyce decerns and ordaines the sentence of excommunicatioun to be pronuncit against his Lordship with all possible diligence, and continues the declaratioun of the place quher the same salbe done, and be quhom, to the nixt Assëmblie.

Sessio 3^a. Eodem die.

In prefence of the hail Assëmblie, compeirit Sir Thomas Ker of Hircha, Knight, in name of George Marqueis of Huntlie, and presentit ane supplication, in name of the said noble Lord, beand as followes : Because that confcience is the only argument that moveit me this wayes to protract tyme till I have perfytit resolutioun, and being farre from ane opinator, or ane that is givin over to selfe will, as appeirit be my geilding to conference, and, lastlie, be my going to the Kirk, I first wold have craved, if possible it might have bein done, that I might have bein heard with my awin mouth, that I might most heartlie intreate it, that ane tyme might be condiscendit on be your Wisdoms, within the quhilk, as it fall please you to conclude, I offer either to satisfie the Kirk, or presently to find suretie vnder great sowmes to avoyd the countrey befor this day to be prescryved be your Wisdomes. Et sic subscribitur, Huntlie. And conforme therto desyrit the same to be confiderit, and requeists, in respect of the offers therein conteinit, the pronouncing of the sentence of excommunicatioun agains his Lordship might be continewit.

Wherewith the hail Assëmblie being rypelie advysit, fand the offers conteinit in the said supplicatioun to be verie frivolous, and no wayes inclyning

to obedience and satisfactioun; in respect quherof, and for many vther causes and consideratiouns, and in speciall, because his Lordship, be his band, subscryvit with his hand the last day of Junij 1608 zeirs, presentlie produceit in face of the Assemblie be the Commisioners of Aberdein, band and obleift himselfe to satisfie the Kirk, be communicating betuixt the dait therof and the 17 day of July last bypast, vtherwayes the Ministrie to proceed with the sentence of excommunicatioun against him, as at mair lenth in the said band is conteinit: Therfor, the haill Assemblie, all in ane voyce, ordaines the sentence of excommunication presentlie to be pronouncit against him be the Moderatour of the Assemblie, in face of the haill Assemblie, but any delay.

Conforme to the quhilk ordinance, Mr James Law, Bischop of Orkney, Moderatour of this present Assemblie, in face therof, in most solemne forme, pronouncit the sentence of excommunication against George Marques of Huntlie.

Quhilk sentence is ordaint to be intimat in all the kirks within this realme, be the Ministrie the nixt Sunday immediatlie after thair returning from this Assemblie; and in speciall, they command and ordaine the brethren of the Synod of Aberdein and Murray to intimate the said sentence in the saids kirks immediatlie after thair returning, and inhibites and most straitlie charges them, and every ane of them, that they receive no offers of satisfactioun from the said Marqueis, but the speciall [advyce] of his Majesty and the Kirk had therto.

The Commisioners appointit in the former Sesslioun for giving in the names of Papists, and [the causes of] thair increase, and remeid to obviat the same, produceit thair particular rolls, containing the [said heads, which the Assemblie thought good should be revised,] abridgit, and put in order be the Bischop of Glasgow, Mr Patrick Symfone, Mr William Cowper, Mr John Clappertoun, Mr John Hall, and Mr George Hay, to the effect the same might be presentit be them to the Privie Conference the nixt morning, that therafter they may be intreattit in face of the Assemblie.

Sessio 4^a. 28 Julij.

Forfameikle as the brethren of the Presbitrie of Glasgow and Synod of

Cliddisdail, who were appointit to deale and conferre with William Erle of Angus, Lord Dowglas, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presentlie profess within this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversion from his errours, but that rather by all evident tokens he was the more obstinat and obdurit in heresie of Papistrie, quhilk sometyme he abjurit befor, be subscribing of the true religioun presentlie profess within this realme: Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Glasgowe to proceed against the said William Erle of Angus with the censures of the Kirk vnto the finall pronouncing of the sentence of excommunication aganis him inclusivé, with all possible diligence, and that they pronounce the said sentence of excommunication against him, betuixt and the 18 of September next to come; to quhom the Assemblie comitts thair hail power to that effect, discharging and inhibiting any of them to receive any offers of the said Noble Lord for absolving him of the said sentence, without the advyce of his Majestie and Commissioners of the Assemblie had and obtainit therto.

Forfameikle as the brethren of the Presbitrie of Perth, quho were appointed to deale and conferre with Francis Erle of Erroll, Lord Hay, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presentlie profess within this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversion from his errours, but that rather be all evident tokens he was the more obstinat and obdurit in his erracie of Papistrie, quhilk he sometyme abjurit before, be subscribing to the true religioun presentlie profess within this realme: Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Perth to proceed against the said Erle with the censures of the Kirk, vnto the final pronouncing of the sentence of excommunication against him inclusivé, with all possible diligence, and that they pronounce the said sentence against him betuixt and the 18 day of September next to come; to quhom the Assemblie commits thair full power to that effect, discharging and inhibiting any of them to receive any offers from the said Noble Lord for absolving him fra the said sentence, without the advyce of his Majestie and Commissioners of the Assemblie had and obtainit therto.

Forfameikle as be the declaration of [the brethren of] the Presbitrie of Irwing, it was made known to the Assemblie, that after long dealing and conference had be them with the Lord Sempill for bringing him to the acknowledging of the trueth, [and embracing the true and sincere religion] presentlie profess [within this realme,] they could not reape any good fruit of thair labours and travells takin with him, but be the contrair he still continues obstinat and obdurit in his detestabill error of Papistrie and Idolatrie, to the great hurt and evill example of the rest of the countrey : Therfor, the Generall Assemblie presentlie conveyit charges straitlie [and commands] Mr Alexander Scrymgeour, Moderatour of the Presbitrie of Irwing, vnder the paine of infamie and deprivation from his functioun, to pronounce the sentence of excommunicatioun against the said Lord Sempill, in the Kirk of Irvine, vpon the Sondag the 14 day of August nixt to come, after the fermoun, but any [delay or] impediment quhatsumevir : And that the haill brethren of the Ministrie within the bounds of the Synod of Kyle, Carrick, and Cunighame, intimat the sentence of excommunicatioun so pronouncit against the said Lord Sempill, every ane of them at thair awin Paroch Kirks, vpon Sondag nixt and imediatlie following thereafter ; discharging and inhibiteing also the said Moderatour and remanent brethren of the said Synod to receive any offers of satisfactioun from the said Lord Sempill, but advyse of the Kings Majestie and Commillioners of the Generall Assemblie had and obtainit therto.

Sessio 5^a. Eodem die.

The brethren appointit of befor for reviseing and putting in ordour of the causes of the increase of Papistrie within this realme, and of the overtures for remeiding and suppressing of the same, gave in the saids causes and remeid therof ; of the quhilk the tenour followes :

The causes of the growth and increase of Papistrie within this realme are thought either to arise of the part of the Ministrie, or els of vther causes arising from the Ministrie.

First, Thair negligence to lie the youth in every parochin to be brought vp in the knowledge of the trueth by catechising ; and carelesnes to vрге provisioun for Schooles within thair bounds.

Secondlie, The rash and sudden admissioun of men to the Ministrie

that are not able to withstand and convince the adversarie, a dangerous evill in the dayes of apostasie.

Thirdlie, The laike of care in Ministers to marke the offences, viz. to consider the course of the enemye, and to discover and dilate Jesuites and traffiquers against religion, and vthers pervertit by them.

Fourthlie, The distraction arising among the Ministrie, quhill as diversitie of judgements has drawin them vnadvyldlie to contrarietie of affectiones, breeding carnall contentions among themselves.

Overtures for remeiding of the causes forsaids.

First, That it be of new inactit, that all Ministers examine young children of the age of fixe yeirs, and try that they have the Lords Prayer, the Articles of Beleife, and the Comandements; in the quhilk thair parents false haldin to instruct them befor the saids yeirs, together with some short forme of grace befor and after meate, and some short morning and evening prayer: and agane, that thair growth in knowledge in greater points of religion be tryed, that afterward it may please God to grant increase of knowledge at the age of fyftein or saxetein yeirs, they may be admittit to the holie Communion.

Secondlie, That the Apostles precept be considered, Lay hands suddenly on no man: And according to it, that for closing of the doore vpon the affectiones of men, some longer tyme to be prescrivit for admision of men to the Ministrie; the exception of rare gifts being reservit to the judgement of the Generall Assemblie.

Thirdlie, That Ministers who false found after tryall to have delayit the execution of discipline against Papists vpon negligence, that is, either not beginning proceffe, or, if it be begun, not ending the same within halfe ane yeir, shall lose ane yeirs stipend; and those that false found to have done it vpon some corrupt favour, false simple deposeit.

Fourthlie, That ther be recomendit to the Ministrie a holie care mutualie to eschew offences, and follow peace and love quhervnto we are callit. The meanes for removing such offences is referrit to the Generall Assemblie.

Causis of the growth of Papistrie as they are conceivit to arise of vthers.

First, The overseeing of Seminarie Priests and Jesuites to traffique within

the land, for perverting of such as hes not had occasioun to goe out of the countrey, and impunitie of such as hes receivit them ; as also the libertie of evill disposed persons voyde of knowledge, hes takin of the iniurie of tyme, to bring hame the books of apostats and profest Papists.

Secondlie, The preferment of men suspec^t of religioun to publick offices within this realme.

Thridlie, The favour shewin be these that are in authoritie to traffiquers and excommunicat Papists, after that they had been apprehendit [and wardit,] sicker as the Abbot of Newabbay and vthers Mefs Preists dimittit out of ward, as it is thoght not without reward, and without all warrand of his Majestie, and presentlie tolerate in the countrey without persute, quhilk hes not only wrought a coldnes in religioun in the hearts of many peiple, bot also nourischt a false opinioun of his Majestie, quhilks oppinly bursts out in the mouthes and speaches of many.

Fourthlie, That quher Presbitries are proceeding in the tryall of Mefs sayers and mefs hearers, impediment is made by the Lords of his Majesties Counsell, either by advocatioun befor the Lords, or dilpenfatioun to such as are excommunicat, or by contramanding the Prelbitries to desist vnder the paines of horning ; and that excommunication being productit against any persone befor the Judges, the same is not regairdit, but processe granted vnto him as if he were a member of the Kirk and not excommunicat.

Fyftlie, The great libertie grantit to the subiects of this kingdome to repaire to such parts, quherin nothing is taught but defection from religioun, and treason against lawfull Princes, and no securitie takin for thair constancie ; and in speciall, the sending of Noblemens sonnes by such as are in authoritie, foorth of the land, with such convoy as may delyver them into the hands of Papists to be pervertit in religioun, quhervpon many of them are become apostats.

Last, The want of Preachers in many congregatiouns in this land, so that in ane province thretie ane Kirks are to be found vakand, and in vthers some 17 as in Nithefdaill, and in vthers 28 as in Annerdaill, and sicklyke throughout many vther parts of this land.

Overtures for remeiding of the causes forsaids.

Firft, That a commillioune be granted be his Majestie to the Bischop of every Synod, with such weill affected noblemen and gentlemen as the Com-

millioners of the Generall Affemblic fall nominat, to apprehend traffiqueing Papists, Jesuites, and Seminarie Preists that does haunt within their bounds, with power to charge the receipters to make patent doores and deliuer them vp vnder the paine of treaffoun.

Secondlie, That his Majestie be humblie intreatit, that no Papists or suspect of Papistrie beare charge in Counsell, Sessioun, Governement of Townes, nor vther Publick Offices; and if ther be any in the estate presentlie quhom his Hienes knowis, in his awin wisdome, to be men evill affectit towards religioun, that his Majestie wald be pleasit to take ordour therwith.

Thridlie, That his Majestie will give ordour for executioun of his Hienes lawis against Papists and traffiquers with all rigour, and that no favour be grantit be any officer of estate without his Majesties privitie, vnder paine of incurring his hie displeasure; as also, that the Counsell make no impediment by thair letters of horning to discharge the proceeding of Presbitries against the persons forsaids.

Fourthlie, That Papists quho once have bein knowin professours of Papistrie, and for eschewing of civill paines, or hope of preferment, will abjure thair religioun, that his Majestie will please to cause inact, that it fall not be lafull to such to enjoy any office or honour in the Comounwealth, notwithstanding of thair aith and communicating, vntill fyve geirs probatioun have bein takin of thair constancie and sinceritie in the professioun of the trueth.

Fyftlie, That the Act made at Bruntland concerning the sons of noblemen and vthers passing vnto other countries be considered and confirmed, quherof the tenour followes:

Item, For eschewing of farther ill quhilk might come to the estate of religioun, be the evill educatioun of the youth foorth of the countrey, it wald be cravit of his Majestie and Secreit Counsell, that such noblemen and vthers as directis a paedagogue with thair sons foorth of the countrey, that thair paedagogue be knowin godly and of good religioun, learnit and instructit in the same, and approvit in his religioun be the testimoniall of his Presbitrie; that thair remaining foorth of the countrey be in the places quher the religioun is presentlie profest, or, at the leist, quher ther is no restraint of the same be the crueltie of Inquisitioun; that dureing the tyme of thair absence they fall not have any idolatrous exercise of religioun; and such as hes not the moyen to sustaine a paedagogue with thair sons

foorth of the countrey, that they fend them to sick parts quher ther is no refraint of religioun; and in cace thair sons, after thair departure out of the countrey, haunt these parts quher the [professioun of the] true religioun is refraint, that they find caution not to intertaine them. And in cace any that passës foorth of the countrey imbrace any vther religioun then that quhilk is presentlie profest within this realme, and this to be ane exceptionn against the service of thair breives, and at the tyme of the admissioun of them to any office or honours; and in cace any of thair parents contravene any of these premisses, that they incurre such paines as his Majestie and Secret Counsell fall modifie; and that such as are alreadie out of the countrey either be callit back againe befor ane day to be appointit be his Majestie and Secret Counsell, or els that thair parents be subiect to the lyke conditionns as is befor sett downe, with such vther conditionns to be eikit as his Majestie fall think expedient: And in speciall, for better explanatioun heirof, that at every service of any man as heire to his father or any of his predeceffours, he be not servit be the Shireff or any vther ordinar Judge to burgh or land, but the testimoniall of the Bischop and Moderatour of the Presbitrie quher he dwells, beirand the confession of his faith and integritie of religioun presentlie profest within this realme.

Sextlie, That the sonnes of such noblemen as professes Papistrie be delyverit to the custodie of vthers thair noble friends that are of religioun, to be brocht vp in the knowledge of the trueth.

Sevinthlie, That the searchers of merchandize broght hame from beyond seas, be comandit to sease vpon all bookes broght hame, and present them to be tryit be the Ministrie of the Presbitrie vnto the quhilk they arrive; and that all bookefellers lykewayes doe the same befor they make opin feale therof, vnder the paine of confiscatioun.

Auchtlie, That excommunicat Papissts, speciallie such as be of rank, be apprehendit and put in close ward, and none have acceffe vnto them but such as are of religioun presentlie professit.

Nyntlie, That his Majestie give ordour for the downe casting of the Laird of Gichts chappell, the house of John Chein in Effilmonth, quho receipts all Jesuits and Seminarie Preists.

Tentlie, That ordour be takin with the Pilgrimages, viz. the Chappell callit Ordiquhell and the Chappell of Grace, and ane Well in the bounds of Enzie, on the south syde of Spey.

Eleventlie, That sick persons as are or salbe excommunicat and beares

publick office within this realme, and therafter put to the horne, that they nor thair deputs fall bruik no office nor authoritie vnder his Majestie after thair denunciatioun, but that his Majestie fall appoint vthers in thair rowmes to doe and ministrat justice to his Majesties lieges.

Last, That his Majestie wald take ordour anent the planting of the Kirks that are presentlie destitute of Pastors, and in speciall, anent the Kirks of the Chappell Royall.

Quhilkis haill causes of increase of Papistrie within this realme, with the overtures for remeiding therof, the Assemblie hes thocht expedient that the same be direct to his Majestie, with ane humble supplicatioun, requesting his Hienes to take such ordour theranent, as his Majestie fall think most expedient for repressing of Papistrie, and increase of the trueth and light of the Gospell within this realme: whervnto the Erle of Dumbar, his Majesties Commiffioner, with the remanent of the Nobilitie presentlie conveynit in this Assembly, hes promisit to concurre: And therfor the Assemblie hes nominat, and be thir presents nominats [George Earle of Dumbar,] Erle of Wigtoun, John Archbisshop of Glasgou, Levingstoun of Kilfyth, Mr William Cowper, Minister at Perth, James Nisbit burges of Edinburgh, and Mr William Hart of Prestoun, thair verie lausfull Commiffioners, giving them their full power to present the humble supplications of this present Assemblie to his Majestie, together with the causes of increase of Papistrie, and overtures for remeid therof above rehearfit, desiring them that they wald earnestlie intreat his Majestie to confider of the same; and if his Hienes thocht expedient to cause the same to be put to executioun, and that the rather because that after the last Conventioun haldin at Lynlithgow, quher ther was many good actis and constitutiouns sett downe and concludit, the Papists, neverthelesse, did most prouddie and contemptuoullie vpbraid diuerse of the Ministrie, manassing them that they or the nobilitie conveynit with them at that tyme, durst be bold to conclude any thing that might protend to the prejudice of Papists or Papistrie, as was cleirly vnderstood be the brethren conveynit in this Assemblie.

Sessio 6^a 29 Julij, Ante meridiem.

The quhilk day the Assemblie thocht expedient, that the Commiffioners above specified, electit and chofin to present the supplicatioun of this present

Assemblic to his Majestie, as is above rehearlit, fall with all commodious diligence repaire to his Majestie, and with all humilitie present the said supplicatioun to his Majestie, and quhat answere it shall please his Highnes to give, that they report the same betwixt and the 15 of November next to come : And to that effect the Assemblic beschole out of their number the Noblemen, Barrons, and Brethren vnderwritin, viz. Erles of Craufurd, Mortoun, Glencairne, Lythgow, Kinghorne, Lords Grahame, Lindfay, Saltoun, Lovat, Torphichen, Lowdoun, Scone, Balcleugh, Blantyre, Halierudehous, the Constable of Dundie, the Lairds of Kynnaid, Balvaird, Carnell, Houftoun, Admiltoun, Broxmouth, Polwart, Sir John Hoome of Northberwick, The Commissioners of Edinburgh, Perth, Sanct Androes, Glasgow, with the brethren after following, viz. Mrs William Dowglas, Alexander Rawfone, Abraham Sibbald, John Reid, Arthur Futhie, Andro Ramfay, John Kynneir, David Lindfay, Adame Ballantyne, Patrick Weimes, Edward Hepburne, George Ramfay, William Methven, Patrick Shaw, William Birnie, Walter Stewart, Hew Fullertoun, John McQuhorne, Thomas Ramfay, Robert Glendinning, together with the Commissioners of this Generall Assemblic, to convene at Edinburgh the said 15 day of November next to come, and ther to receive from the said Commissioners the report of his Majesties most gracious answer to the supplicatioun foresaid, in name of the haill Assemblic : And in the meane tyme, the Assemblic commands and ordaines the haill Presbitries within this realme to proceede against Papists of all sorts within their bounds with the censures of excommunication.

The said day the Commissioners of the last Generall Assemblic being callit to give count of their haill proceedings since the last Assemblic, compeirit and offerit themselves to be tryit in their proceedings be this present Assemblic, and to abyde at the censure of the same ; and being demandit for production of their acts and proceedings in writ, declarit be the mouth of Mr John Hall, their Moderatour, in absence of Mr Patrick Galloway, that the same could not be found, be reason that sometyme vmquhile Mr James Nicollone, Minister at Meagle, and in his absence vmquhile Richard Thomefoune, Minister at Cassiltoun, were ordinar serybes and keepers of the rolls of all their proceedings, quho are both deceisit this lyfe ; and albeit they have made travells at their executors hands for obtaining of the saids scrowis, yet they could in no wayes attaine vnto the same ; and therfor they and everie ane of them did offer themselves to be particularlie

cenfurit be this prefent Affemblic; [in refpect whereof the Affemblic] ordainit them all to remove: quhilk being done, Mr William Couper, Moderatour, appointit to this effect, demandit publicklye, if any of the Affemblic had ought to object againft the faids Commiffioners proceedings why the fame might not be ratified and allowit: and in refpect of the taciturnitie of the haill brethren, and that nothing worthie of cenfure was objectit to any of them for their proceedings, the faids Commiffioners being returnit in the Affemblic, tooke instruments of the ratificatioun and allowance of thair faids proceedings.

The faid day, the brethren of the Generall Affemblic prefentlie conveinit having advyfedlie confiderit the [neceffity of] electing and choooling of Commiffioners from this prefent Affemblic, for giving advyce to his Majeftie for fuppreffing of Papifticall fuperftitioun quhilk increafes more and more daylie within this realme: Therfor they have made, conftitute, and ordainit, lykeas they, be the tenour heirof, maks, conftitutes, and ordaines Mr George Glaidftanes, Bifhop of Sanct Androes, Mr John Spottifwood, Bifhop of Glasgou, Mr David Lindfay, Bifhop of Ros, Mr Alexander Lindfay, Bifhop of Dunkeld, Mr Peter Blackburne, Bifhop of Aberdein, Mr James Law, Bifhop of Orknay, Mr Alexander Dowglas, Bifhop of Murray, Mr Gawin Hamiltoun, Bifhop of Galloway, Mr Alexander Forbes, Bifhop of Cathnes, Mr Andro Lamb, Bifhop of Brechin, Mr Andro Knox, Bifhop of the Yles, Mr Patrick Galloway, Mr David Hoome, Mr John Clappertoun, Mr John Knox, Mr Robert Howie, Mr John Hall, Mr John Caulcleugh, Mr John Strauchane, Mr Andro Boyd, Mr Andro Leich, Mr Robert Wilkie, Mr Patrick Sharp, Mr Patrick Symfone, Mr George Hay, Mr Patrick Lindfay, Mr William Scott, Mr Adame Ballantyne, Mr John Hay, Mr William Cowper, or any eivin of them, thair verie lawfull and vndoubtit Commiffioners from this prefent Affemblic; giveand, grantand, and committand to them, or any eivin of them, as faid is, thair full power to plant fuch kirks in the fpeciall Burrow-founes as prefentlie are or falbe [found] deftitute of Paftors, befor the nixt Affemblic.

Attour, If it fall happin the Kings Majeftie to be greivit at any of the Miniftrie for quhatfomevir enormitie committit be any of them againft his Hienes, with power to them, or any eivin of them, to try and cognofce thervpon, and take fuch ordour theranent as they fall think expedient to the glorie of God and weill of the Kirk; and, finallie, with power to them

to present the greives and petitious of the Kirk to his Majestie, his Hienes Secreit Counsell, [Generall] Conventiouns, and Parliaments that fall happin to occurre befor the nixt Assemblie, and to crave redresse of the same: ordaining them to give compt of their proceedings to the nixt Assemblie quhen it fall happin to conveine. Promitten de rato, &c.

It is alwayes speciallie provydit, that this present nominatioun of the same Commissioners, quihils were for the most part Commissioners in the last Assemblie, falbe no wayes prejudiciall to the libertie of the Assemblie in choosling and electing Commissioners quhom they fall think most meitt and expedient; neither fall this electioun induce or import any perpetuities of the office in the persons electit.

Item, It is statute, that the hail Commissioners be desyrit and warnit to keip all thair conventiouns, if opportunelie the same may be done.

Forfameikle as the distractions and eyelists, quibilk are suspectit to be in the hearts of the brethren among themselves, is one of the most speciall and vrgent causes of the increase of Papists and Papistrie within this realme: Therfor, for avoyding therof, that certaine of the brethren, viz. the Bischops of Sanct Androes, Glasgou, Ros, Orknay, Mr John Hall, Mr Patrick Simfene, Mr William Cowper, and Mr John Knox, conveine with his Majesties Commissioner to advyse vpon the most solid and substantiall overture for removing of the eyelists and distractions, and to report the same to the Assemblie the nixt Sessioun.

Sessio 7^a. 26 Julij. Post meridiem.

The said day, the brethren appointit for advyseing vpon the best overtures anent the distractions and eyelists that were entrit in the hearts of the Ministrie, declarit, that after mature deliberatioun they fand the saids eyelists and controversies to arise either vpon distractions of affectiouns, or vpon diversitie of opiniouns; the first quherof being carnall, and therfor more dangerous, because it sufferit not the brethrein whose affectiouns were separatit to unite themselves with esauld and vniforme counsell and advyce, to resist the subtile practice of the commoun enemy, and so give him place with his subtile crafts and schifts to enter in the Kirk of God, and therby to supplant and vndermyne the same: Therfor, thair advyce was, that as the danger increases be the nourishing of the distractit affec-

tiouns of the brethren, even so the cure was the more necessar, and the more hastilie to be applyit, to wit, that the haill brethren in the Ministrie fould presentlie, in the feare of God, lay downe all rancour and distractiouns of heart and affectiouns, quhilk either of them hes borne against vthers in any tymes bypast, and be reunited and reconcileit with heartie affectioun in Christ, as becomes them quho are Ministers of the Word of God, and Preachers of peace and Chrillian love and charitie to his people; to the effect that by this heartie reconciliation, thair hearts and devyse may be communicat for disappointing of the craftie devyse of the commounemie: Quhilk advyce the haill brethren of the Assemblie most lovinglie and heartilie imbraceit, and ordainit every one of them, as weil Commissioners present as of the Ministrie that were absent, to obey the same by laying downe all grudge or rancour that any of the brethren doe beare at vthers; in token quherof, and of the effauld vnioun of hearts and affectiouns, they all held vp thair hands to God, testifieing to his Majellie the truth of thair hearts in the said matter: And lykeways they ordainit the same to be intimat to the rest of thair brethren at thair returning to thair Presbitries, to the effect that the samein may be done in every Presbitrie immediatlie after thair returning, as said is; inhibiteing also and discharging any such distractiouns or rancour to be among them, either in affectioun, or in word, deid, or countenance, but that they concurre in one mutuall friendship and holie amitie in God, as becomes the Pastours of the Kirk of Christ; and quhoesoevir does in the contrair, that he be censurit in his awin Presbitrie or Synod; and in case of thair negligence, be the Commissioners of the Generall Assemblie.

As for the second cause of eyleiffs, quhilk is said to arise vpon diversitie of opiniouns, because the said diversitie of opiniouns results vpon different judgements amangs the brethren concerning the externall government and discipline of the Kirk, quhilk cannot be so shortlie discussit and advyseit vpon as the brevitie of this Assemblie permitts: Therfor, it was the opinioun of the brethren forsaide, that the same fould be delayit to one tyme more convenient, and in the meanetyme certaine appointit to reason, treat, and advyse vpon the same: quhilk lykeways the Assemblie hes thocht expedient, and therfor, they have electit and chosin the brethren after following, viz. the Bischop of Sanct Androes, Bischop of Glasgow, Bischop of Dunkeld, Bischop of Orkney, Bischop of Cathnes, Mr Patrick Sharp, Mr Robert Howie, Mr John Michelson, Mr Henrie Philp, Mr George Hay,

Mr Patrick Galloway, Mr John Hall, Mr Patrick Simfone, Mr William Scott, Mr Archibald Ofwell, Mr John Knox, Mr John Carmichael, Mr Adame Ballantyne, Mr John Weimes, and Mr William Cowper, thair Commiffioners in that pairt, to conveine with his Majestie, or fiek of his Majesties Counsell as be his Majestie is appointit, [at fuch tyme and places as they fhall be requyrit be his Majestie] and to treat, reaſon, and confult vpon all matters ſtanding preſentlie in controverſie among the brethren anent the diſcipline of the Kirk; and quhatfoevir they aggrie vpon to report to the nixt Generall Affembly.

And in the meanetyme, quhill the nixt Affembly, for ane interim, the advyſe of the brethren convenit at Falkland, the 16 of Junij laſt, be obſervit anent the conſtant Moderatour.

Item, It is ſtatute and ordainit, that as vpon every fyft day of Auguſt, publick thanksgiving is given to God, for the preſervatioun of his Majestie from the treaſon of ſometyme John Erle of Gowrie, throughout all the parts of Great Britaine, that evin ſo the ſame be intimat at every paroch Kirk with all poſſible diligence, ordaining that ſuch as refuſes to doe the ſame, be obſervit and delait to the Commiſſioners of the Generall Affembly.

Item, Becauſe the brethren appointit for tryall of the diligence of the Commiſſioners appointit be the laſt Generall Affembly for viſitatioun of the Preſbitries, did report, that it was ane generall greife and complaint givin in be the few Commiſſioners, that had produceit thair diligence, of the great deſolatioun of the want of Paſtours, and in ſpeciall of the ſareſt of the South and North parts: Therfor the brethren ordaines the Commiſſioners of this Affembly to direct ane ſupplicatioun to his Majestie for taking ordour for planting of the haill Kirks within this realme.

And in reſpect of the great neceſſitie of the Kirks of Annerdaill, Ewifdaill, and Efkdaille, and the reſt of the Kirks of the Dails quhilk are altogether vnplantit, as lykewayes of the Kirks of Cathnes and Ros, in the quhilks it is regraitit that in many of them the holie communioun was never celebrate: Therfor, the Affembly has givin and grantit, lykeas they, be the tenour beirof, gives and grants thair full power and commiſſioun to the brethren vnderwrytin, viz. to the Biſhop of Glaſgow, [and Mr John Knox,] for viſitatioun of the Kirks of Annerdaill, Ewifdaill, Efkdaille, and the reſt of the Dails vnplantit, as ſaid is; and to the Biſhop of Cathnes, George Dowglas, and Mr William Dowglas, for viſitatioun of the Kirks of Cathnes and Ros, with power to them to plant Miniſters at the Kirks

within the saids bounds respectiv ; and to try the literature, qualification, and conversation of such as are already plantit, and in case of vn sufficiency to deprive them from their functionis ; with power also to cause kirks be reedified quher as they are demolished ; and if neid beis to vnite kirks quher necellitie requyers ; and to report thair diligence to the next Assamble : Promitten de rato &c.

Sessio vltima. Penultimo die Julij, ante meridiem.

Item, Because ane great part of the desolation of Kirks proceeds from the absence of certaine of the Ministrie from thair flocks, be reason they are so confynit : Therfor, the Assamble hes thocht it expedient, that thair Commissioners direct ane humble supplication to his Majestie, humble desyreand his Hienes to sett at libertie such of the Ministrie as are confynit, to the effect be thair presence and waiting on thair cure, thair flocks may be comforted, quhilks are now left desolate.

Item, Because it is humble lamentit that the inhabitants of the towne of Aberdein ceases not geirlye to elect and choose such persons to be Magistrates and vpon thair Counsell as are wilfull and profest Papists, and enemies to the trueth profest within this realme, to the dishonouring of God, disharting of such as feares his name, and to the contempt of discipline within that burgh : Therfor, it is ordainit [be the Assamble,] that the Presbitrie of Aberdein inhibit the Counsell and inhabitants of the said burgh, that they elect nor choose no Papists to beare office of ane Magistrate or vpon any Counsell in any tyme comeing, and if they doe in the contrair, that they proceed against them with the censures of the Kirk ; ordaining lyke wayes the Commissioners appointed for his Majestie to adjoyne this petition to the rest of thair supplications, that by his royall authoritie ane civill paine may be imponit vpon the contraveiners of the said act.

Item, It is ordainit, that no Minister in any tyme comeing fall take vpon him to solist in favours of Papists, or suspect of Papistrie, either before the civill or spirituall Judge, or vtherwayes, either be word or wryte, vnder the paine of deprivation.

Item, Because ther is fundrie supplications and bills givin into the Generall Assamble, quhilk for the shortnes of tyme cannot be decydit and answerit : Therfor, the Generall Assamble remitts the same to thair Com-

millioners above constitute, ordaining them to conveye vpon the 15 day of November next to come, and ther to decyde and answer all such bills and supplications as false directit vnto them vpon the back, from this present Assemblie.

Item, Because it hes pleased God of his mercie to grant a good and happie successe to this present Conventioun, to the confort of his awin Kirk, and discontentment of the enemies, therfor the Assemblie ordaines the same to be intimat be every Presbitrie at thair severall paroch Kirks immediately after the dissolving of this Conventioun, and that they give publick thanks for the same, and pray God for a prosperous and long reigne to his Majestie and the health of his royall posteritie.

The next Generall Assemblie is ordainit to hald at Edinburgh the last Tuesday of May 1609 zeirs, if his Majestie shall think expedient.

Thanks being givin to God for the prosperous event of this present Assemblie be prayer and singing of psalmes, the same was dimittit.

[Extract furth of the Registers of the Acts of the General Assemblie by me Mr Thomas Nicolson, Clerk Keeper and Extractor therof. C.]

[Proclamation by the King for proroguing the meeting of the Commissioners appointed be the last Assembly, from the 15 of November till the 6 of December.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. Messengers, our Sheriffs in that part conjunctly and severally, specially constituted, Greeting. Forasmuch as although the first advertisement of the godly forwardness and zeal kythed be these of our Nobility, Clergy, and the other Estates of this our kingdom, convened lately in a General Assemblie at our Burgh of Linlithgow, did give unto us no small cause of joy and contentment, that there should be so great a number of well affected and disposed people in religion within our said kingdome in these dayes, when blindness and ignorance have taken so great hold in forain parts; yet since that first advertisement, we are so much the more satisfied and contented with their whole proceedings, being

certified of the same at length by our own Commissioner who was present all the time thereof, and be repair hither of some Commissioners selected out of everie Estate, and directed be the said Assemblie, suited unto us for the allowance of certain matters moved amongst them; upon the first hearing of which propositions, we having clearly discovered the true difference betuixt the lawfull and unlawfull meetings, and the good fruits that well licensed and lawfull convened Assemblies will produce, concurring together in a continued harmonie to advert the common enemy, and to deliberate upon such matters, whereby his growth and increase may be stayed; and that such in whom errors are so far rooted as there is no hope of reclaiming, may be either utterly suppressed, or at least brought to that case, that they need not to be feared in any sort, or regarded; and not according to some late proofe of unlawfull conventicles, who upon a hair brained folie do preasse to rais a schesim in the Church, and by division doe give that advantage to the enemy, that their untimous concurring afterward together will hardly gett remedied: and as love is the main point in all religion, so the tokens of a general uniformity amongst the Clergy and other Estates there convened, uttered be them before the dissolving of their Assemblie, did testifie to the world, with what true sincerity and affection of heart that whole meeting was; wherein their proceedings, by excommunication of one of the great subjects in this land, did therewith shew the finall regard they have to offend any that are of contrarie profession; which as we cannot but commend very much in them, so since the Almighty God hath been pleased to committ the Patrocinie of this Church in our dominions to our care and protection as his Lieutennant here on earth, and nurse Father of the same, we intend no way to be defective therein, but to assist all the lawfull proceedings of that Church, as well in advancing the Gospel as repressing contrarie professours. And having considered the petitions brought unto us by these Commissioners sent from the said Assemblie, as we doe very well allow of the same, so for the better encouraging of these who have had this turn in hand, of whom we hold everie one in their own degree to have deserved our special thanks, and to assray all such who dare kyth themselves of a contrarie faith; it being certified unto us, that, at the dissolving of the said Assemblie, certain of everie Estate were appointed to meet at Edinburgh, the 15 of November nixt, to attend the Commissioners return, and to understand from them our acceptation of the propositions brought hither with them; and we being willing not only to

declare our allowance of the same, but farther to authorize and countenance the same with our royal authority and power, have therefor thought meet to appoint a Convention of our Estates of this our kingdom, the 6th day of December next, against which time we doe intend to send down thither our particular pleasure and will concerning all these petitions preferred be the said Commissioners to us. Our will is, therefor, and we charge you straitly and command, that incontinent these our Letters seen ye pass to the Mercat Crofs of our Burghs of Edinburgh, Perth, Sterling, Glasgow, Dundee, Aberdeen, Elgin, Dumfries, and other places needfull, and there, in our name and authority, be open Proclamation, make intimation to all such who expect for the return of our answer at the said 15 day of November, that they repair to our said Burgh of Edinburgh, the said 6 day of December next, where we intend not only a good, plausible and acceptable answer delivered for the true comfort of all good professors; but that some such farther courses also shall be concluded upon by our Estates to be at that time convened, as may most avail for the prosecuting of may both repress the common enemy; and that, in this happy union of the Church of that our Kingdom, God his glory may be advanced, and true religion professed.

Given at our Mannour of Hamptoun Court, the 2d day of October,
and of our reigne the 6, and 42 years, 1608.

Per Regem.

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The Convention of Estates appointed by the Kings Proclamation to be holden at Edinburgh, on the 6 day December, was continued to the 24 of Januar, 1609.

On which day, the Kings Commillioner the Earle of Dumbar being present, there was holden at Edinburgh a General Convention of the Estates, to hear the report of the Kings answer to the Petitions of the last General Assembly. The Bishop of Glasgow, Mr John Spotswood, rehearsed at great length the Kings speeches concerning the approbation of all that was done at the last Assembly, yea, that he commended the same

fo farre that he confessed, that if he had been there in his own person he would neither have done more nor less than they had done. What concerned Papists and Papistrie, that, said he, his Majesty has granted absolutely, yea, hath sent the Earle of Dumbar armed with all authority needfull to doe, as they craved. But as for the Brethren that are under the Kings displeasure, who were banished, imprisoned or confined, that if they would make an humble supplication for their libertie, so gentle and clement was his Majesty, that he would be readier to grant, then they to suit. These things reported at length be the Bishop of Glasgow and Mr William Couper, Mr James Law, Bishop of Orkney, Moderator of the last Assemblie, asked at the Noblemen, what they thought of the Report. They all in one voice answered, they thought well of it, and praised God from their hearts, for giving them such a religious and gracious Prince, who had such a respect to the glory of God, and good estate of the Kirk, and hated everie thing that was prejudicial to the same.

Then were past the following resolutions. First, That the Bishops should be examiners of Pedagogues that passed with Noblemen and Gentlemens sons out of the countrie.

Item, That none suspected of Popery that are young Gentlemen, be entred to their lands, except they have the Bishops recommendation to the inqueists, and a testificat of their soundness in religion.

In end, mention was made of the Conference which was to be holden between the Bishops and the Ministers. The Bishop of Glasgow said, that a day was appointed already be the Earle of Dumbar, and the Commissioners of the Kirk, in Februar next to come; and for that effect advertisment should be made to all having entres.

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Follow the Memorials penned by Mr Spotswood, Bishop of Glasgow, sent to his Majesty by the Bishop of Galloway, Mr Gawin Hamiltoun.

Memorials to be propounded to his most excellent Majesty.

1. Yow shall relate the proceedings of the late Convention, and what affection some that were present kythed therein, that his Majesty may be forseen with mens dispositions, for the better choice of these to whom the affairs shall be concredited.

2. Yow shall remember the care we have had of reclaiming the Mar-

quife of Huntlie, and the Earle of Erroll, from their errors, and the small profite we have seen thereof; and insitt for his Majesties favour to the petition of our Letter.

3. Anent the Ministers that are confined, your Lordship shall excuse the request made be us in some of their favours, shewing how it proceeded; and farther declare, that of late they have taken course to give in supplications to the Counsell for their enlarging to a certain time, for doing their particular bulineffes at Session, and otherwise in the country; and that some of them have purchased licence be the votes of the Counsell, albeit we opposed: Therefor beseeke his Majestie to remember the Counsell, that the confining of these Ministers was for faults done be them to his Hienes self, and that they should be acknowledged and confessed to his Majestie, and his Hienes pleasure understood therein, before the grant of any favour; otherwise they shall undoe all that has been hitherto followed for the peace of the Kirk.

4. Touching the Erections, it is our humble desire to his Majestie, that the Noblemen, in whose favours the same hath been past, may take order for the provision of their Kirks, according to the conditions made in Parliament, or then discharge their Erections, which seems best to be done be an Act in this infewing Session of Parliament, for which his Majesties warrant would be had: And sicklike, some course would be taken for the Prelacies erected, which have past also the constant Platt; that the presentation of Ministers to the modified stipends, at the vacancy of the Church, should be in his Majesties hand, whereunto, although his Majesties express commandment was given of before, no head was taken be such as had the charge of affairs.

5. Since this matter of the Commissariats importeth so much to the reformation of our Church government, as this being restored, in a little time the rest may be supplied that will be wanting, it shall be good to remember it be a serious letter to my Lord Dumbbar, that we may know in due time what is to be expected. And since our greatest hindrance is found to be in the Session, of whom the most part are ever in heart opposite unto us, and forbear not to kyth it when they have occasion, yow shall humbly intreat his Majesty to remember our suit for the Kirkmens place according to the first institution, and that it may take at this time some beginning, since the place vacant was even from the beginning in the hands of the Spiritual side, with some one Kirkman or other till now; which

might it be obtained, as were most easie be his Majesties direction and commandment, there should be seen a sudden change of many humours, in that State, and the Commonweill would find the profite thereof.

6. Anent our Conference with the Ministrie, your Lordship will declare the time that is appointed, and the reasons of the continuation of the same.

7. Because in the time of Parliament chiefly it should be expedient to have the Bishops teach in the pulpits of Edinburgh, his Majestie would be pleased to commend this to my Lord of Dumbar be a particular letter; and to require also the Ministers of Edinburgh to desire their help at that time, if it were for no other end, but to testify their unity and consent of mind to the Estates.

8. Because the Kirk of Leith lyeth destitute in a fort through the Bishop of Rosse his age, and the imprisonment of Mr John Murray; and that the said Mr John is no way minded, as appeareth, to give his Majestie satisfaction; neither were it meet, in respect of his carriage, that he should return to that Ministrie; and to insist in his deprivation with the Commissioners, might perhaps breed unto us a new difficulty: If his Majestie shall be pleased, we do hold it most convenient for this errand, that the said Mr John be convened before the Counsell be his Majesties command, and be them be charged to ward in the Toun of Newabbay and some miles about, having libertie to teach that people, amongst whom he shall find some other subject to work upon than the State of Bishops. And for the provision of Leith, that his Majestie will be pleased to command the Presbytrie of Edinburgh, in regard of the Bishop of Rosse his age, and the said Mr Johns transportation be his Hienes appointment, to have care that the said Kirk of Leith be planted with all convenient diligence be Mr David Lindfay sometimes Minister of Sanct Andrews, for whom both the people is earnest, and we may have sufficient assurance to his Majesties service. And in case the said Presbytrie prove wilfull, that another letter to the same effect may be sent to the Commissioners of the Generall Assembly, who may take order to see that matter ended, if such shall be his Majesties pleasure; and this would be done with all diligence convenient.

We cannot but remember also the misorder creeping in the countrie, that once was happily repressed, the wearing of gunnes and pistolls; and humbly beseeke his Majesty, that some new course may be established be searchers of such persons, and delating of them to the Counsell, that they

may be punished ; and that the Treafurer may have commandment to make choice, in everie country, of certain that shall be thought fitteft to fearch, which shall be known only to his Lordship felf, and fatisfie them for their pains, to the end this infolence may be reftained. Particularly it would be forbidden in the granting of Commiffions, that this liberty be not permitted ; for this is one of the caufes of their fo open bearing, as faid is.

Thefe particulars, your Lordship will have care to propone to his Majeftie at fome fit time, and fee the answers thereof difpatched accordingly.

Your Lordships shall remember my Lord of Cathnefs and his penfion.

GLASGOW, be warrant, and at the defire of the
reft of my Lords the Bifhops.

My Lord, when your Lordship shall fpeak for the help of our Kirks, be the fall of thefe men that poffefs our livings, and do juftly incurre his Majefties indignation be their hainous offences, be pleafed to remember the cafe of Lanerk ; the poffeffors of the titles be now excommunicated, and at the horn. Defire his Majefties favour for the grant of them to Mr William Birnie, Miniſter there, whofe difpofition your Lordship knows to his Majefties fervice ; and his Hienes letter for that effect to my Lord Treafurer, that he may be poffeffed in the fame with all convenient diligence. Likewise remember the provifion of Cramond, and the Bifhop of Dunkeldens intereft to thefe titles.

GLASGOW.

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Proceedings of the Conference, appointed be the laſt Affembly, holden
at Falkland, the 4th of May, 1609.

The Earles of Dumbar and Wigtoun, my Lord Skoone, and my Lord Fentounbarns, Collektor, Commiffioners for his Majeftie ; Mrs George Gledftains, John Spotfwood, Alexander Lindſay, Alexander Forbelle, Patrick Sharp, Robert Howie, John Mitchelfon, Henrie Philip, and George Hay for the Bifhops ; Mrs Patrick Galloway, John Hall, William Scott, Archbald Ofwald, John Knox, John Carmichaell, Adam Bannatyne, John Wemes, and William Cowper, (Patrick Simfon being abſent,) mett in that chamber, which was her Majefties, for difcharging a Commiffion directed

from the laft General Affemblic, holden at Linlithgow, the 29 day of Julie 1608 years. In the which meeting the faid Commiffioners proceeded as followeth :

Seffio 1^a.

After prayer, and a fhort fpeech uttered be Mr James Law, Moderator, the Commiffion of the General Affembly was read ; whereof the tenour followeth :

At Linlithgow, the 29 of Julie 1608, poft meridiem.

As for the fecond caufe of the eyelifts which are faid to arife upon diversities of opinions, becaufe the faid diversities of opinions refult upon different judgments among the brethren, concerning the external government and difcipline of the Kirk, which cannot fo fhortly be difcuffed and advifed upon as the brevity of this Affemblic permitts : Therefor, it was the opinion of the brethren appointed for the advifeing of the beft overtures anent the diftractions and eyelifts that are entred in the hearts of the Miniftrie, that the famen fhould be delayed till a time more convenient ; and, in the mean time, certain appointed to reafon, treat, and advife upon the fame, which likewife the Affemblic has thought expedient ; and, therefor, they have elected and chofen the brethren after following, viz. the Bifhops of Sanct Andrews, Glaſgow, Dunkelden, Orkney, Cathnefs ; Mrs Patrick Sharp, Robert Howie, John Mitchelfon, Henrie Philip, George Hay, Patrick Galloway, Johm Hall, Patrick Simfon, William Scot, Archbald Ofwald, John Knox, John Carmichael, Adam Bannatine, John Weemes, and William Couper, their Commiffioners in that part, to convene with his Majeftie, or fuch of his Majefties Commiffioners as his Hienes fhall appoint, at fuch time and places as they fhall be required be his Majeftie ; and to treat, reafon, and confult upon all matters ftanding prefently in controverfie among the brethren, anent the difcipline of the Kirk ; and whatſomever they agree upon, to report to the nixt General Affemblic ; and, in the mean time, while the nixt Affemblic, the advice of the brethren convened at Falkland, the 16 of June laft bypaft, be observed anent the conſtant Moderators.

There was read alfo his Majefties Miſſive Letter, and a letter of excuſe from Mr Patrick Simfon. And thereafter a motion was made be his Ma-

jesties Commiſſioner, and propouned be the Moderator, that five of either ſide ſhould be put apart, to ſett down the order of proceeding.

After ſome reaſoning upon the ſaid propoſition, and ſome objections againſt the ſame, it was admitted and followed : and for the Biſhops were named, Sanct Andrews and Glaſgow, Patrick Sharp, Robert Howie, and Henrie Philip ; for the Miniſters, Patrick Galloway, John Hall, William Couper, John Carmichael, and William Scot.

The Earl of Dumbar, my Lord Fentounbarns, James Law, Moderator, and the ten which were nominated and choſen, removed and went into his Majeſties Chamber, where the Commiſſion was read again ; which being conſidered, was thought very general be ſome ; and for limitation thereof, the particulars after following were proponed be the Miniſters :

Fiſt, That the brethren, among whom the alledged controverſies were, ſhould be particularly named, or at leſt ſome way deſigned, whereby the one party might be known be the other.

2ly, It was required, that the alledged controverſies ſhould be denominated and condeſcended upon, for clearing of the fiſt point. Theſe of the part of the Miniſtrie declared, that they were one in judgment with the godlie Fathers, reformers of the Kirk of Scotland, and ſuch as had from time to time, in General Aſſemblies, appointed the diſcipline, and obtained ratification thereof ; as alſo that they eſteemed the diſcipline appointed be the Kirk, and ratified be the laws of the countrie, to be moſt godly and meet for the ruleing of Chriſt his Kirk within this Realme.

Theſe of the other opinion came to no particular nomination nor designation, whereby their difference from ſuch as had eſtabliſhed the diſcipline, might be perceived.

For better underſtanding of the ſecond, the Miniſters deſired, that diſtinction be made betwixt matters ſtanding in controverſy among the brethren, [and matters] extra controverſiam in the Kirk, in which caſe they take to be all things concluded in lawfull General Aſſemblies.

Item, That clear difference might be made betwixt privat brethrens opinions and conceits, (put caſe their numbers be great,) and matters in controverſie in the Kirk ; ſeeing nothing can probably be called a controverſy of the Kirk, but that which has been received as a doubt before in ſome General Aſſemblies, and depends as yet undecided, for there is an order concerning caſes, where the brethren doubt and crave reformation, viz. that ſuch matters ſhould be proponed to the General Aſſembly, ordaine

decenter, animo aedificandi, non tentandi; in respect of the which order, it is no wayes convenient, that the saids Ministers should participat in a Conference with their brethrens opinions, different from the judgment of the Kirk; and syne report the same to a General Assemblie.

Lastly, Seeing the Assemblie at Linlithgow has directed Commission anent matters presently standing in controversy concerning discipline, which claws of necessity must be referred, either to matters that stand in controversy before that Assemblie, and in the time of it; or els to matters called and received in controversy before the same: It was demanded be the said Ministers, what particular matters either stood in controversy, or were called or received into controversy.

The intention of this their dealing was to shew, that the Commission above written bore no warrant to the said Commissioners, either to make particular questions and controversies, which had not been heard in General Assemblies of before; or yet to call in controversie the acts, conclusions, allowed practices, or established order of the Kirk. This purpose was taunted among the Ministers themselves; and it was alledged, that this form of dealing would be accounted a shifting of disputation; and so the blame would lye upon the Ministers.

It was answered, it was better to bear the unjust blame, than to break a whole cause, which, if it were broken, could not escape to be hurt, seeing the one partie were 16 or 17, and the other but 9. The other sort, for the party of the Bishops, termed that form of proceeding tergiversation, policy, quarelling of the General Assemblie, frustration of their good intention, &c. Much time and talk were spent hereabout, and shoring and boasting; but no clear satisfaction returned to this demand, and propositions above specified. And so somewhat abruptly it was said, they mett either for something, or nothing; and confusedly was cast in, that some of the brethren had received the constant Moderators, and others not; so that was a controversy of the Kirk, said they, whether the Moderator should be constant, or circular as they termed it.

Item, Some of the brethren think that the cautions should be kept, and others think that reason would that some of them should be abolished. It is a question then, forsooth, whether the cautions shall be kept, or not.

It was answered to the first, that the foresaid Assemblie at Linlithgow, wherefra this Commission was directed, had expressly provided, that the advice, given in their Conference at Falkland, should be observed till the

nixt General Affembly; and true it is, that in that Conference at Falkland, the meeting at Linlithgow, wherein the intended innovation of the Moderatour was begun, was spyed; and that matter to be further treated in the enfueing Affembly at Linlithgow; which Affembly, when it conveened, acquiesced in the advice given at Falkland; so that there is no warrand in this Commission to call the accustomed and established order of Moderation in doubt.

Unto the second it was answered, that the cautions, after long reasoning and advisement had in Presbyteries, Provincial and General Assemblies, they were solemnly concluded in two Assemblies, one at Dundie, another at Montrose, his Majestie being present at the one and the other, and as yet stand in full force unrepealed, and can no more be called in question be vertue of this present Commission, than the acts anent vote in Parliament, or any other acts of the General Assemblies.

It was thought meet be the most part, that both these matters of the Moderation and Cautions should be put in question; and so they, that went apart, reentered in the place of Conference; and all being present, the Moderator demanded, whither if the said matters should pass in question, or not. It was answered be the most part affirmativé, they should; and so the question was conceived, as followeth.

1. Whither in Synods or Presbyteries the Moderation shall be constant, or not.

2. Whither the cautions sett down in the Assemblies holdin at Dundie and Montrose for restraining the power of Bishops, should be observed and sworn to, or not.

Thereafter, the Moderator desired, that one of either side should be named to reason these two questions; but being late, no nomination was made; but thanks given, and so that Session ended.

After the dissolving of that Session, the Ministers mett be themselves, and having conferred a little anent the disadvantage and danger, be suffering themselves to be separated in that former Session, all were desired to think that night upon the meetest remedy, and tymously meet in the morning, which they did.

In that their meeting they concluded, 1. That Mr Patrick Galloway should be speechman, and some others to assist him as need required. 2. That they should suffer themselves no ways to be divided; but whatsoever should be proponed, (although of less importance,) they should

take it to be adviſed be the whole, before that any anſwer ſhould be returned. 3. That in reſpect of the members of that Conference, and of the quality of matters called in doubt, that they would no ways diſpute but be write.

Seſſio 2^a. Maij 5, hora 9, ante meridiem.

The aforeſaid Commiſſioners convened in the morning, in the place before named; and after prayer, the Moderator proponed, that one of either ſide ſhould be named and appointed to reaſon the firſt queſtion. Mr Patrick Galloway being deſired to ſpeak, answered, that it was moſt convenient to reaſon the matter be writt, for the reaſons following: 1. For eſhewing of idle and hot ſpeeches, ſuperfluous digreſſions, and impertinent diſcourſes, whereby brethren might be irritated, and time unprofitably ſpent. 2. For avoiding of different reports to be made be the brethren of different judgments, after the Conference ended. And, therefor, he required the other partie, that they would ſhortly and clearly ſet down their opinion in articles, touching that matter, and reaſons whereby they would confirm the ſame; promiſing that the ſaid opinion and reaſons ſhould be plainly and brotherly answered, in ſuch ſuccinct forme as was poſſible they could conceive and expreſs in write.

Many things were objected againſt that anſwer and offer; but all objections were answered. And ſo, the Miniſters ſtanding conſtantly to their reſolution, the other party deſired that they might adviſe among themſelves anent the premiſes; unto which deſire the Miniſters agreed, and removed themſelves; and the other partie with his Majeſties Commiſſioners ſat ſtill.

After their reentry, the Moderator objected four reaſons againſt writting. 1. The cuſtome of the Kirk of Scotland. 2. The cuſtome of Conferences in other countries, and ſome Colloquies were named. 3. His Majeſties prohibition of writt. 4. Sundry inconveniencies that might follow thereupon, as namely, that the copies would paſs abroad, and would come in the hand of enemies, whereby it could not fail, but ſlander and ſkaith would come to the cauſe of religion.

To the firſt it was answered, that while the Kirk of Scotland had adoe with the Counſel thereof, anent the treating and concluding of the heads of diſcipline, they gave and received write one from another.

To the second, that the Colloquies named be them had very evill events; and others treated be write, specified be the Ministers, had better succes, and made more for the advantage of religion.

As for the custom of countries generally alledged, writt was more usuall than word, as may be seen by [Ambassadoris deillings,] learned mens Epistles, printed Colloquies, and Traities of all ages.

To the third, It is evident in his Majesties letter, that his Hienes intention is to settle all matters peaceably, and beside the same there is nothing produced: Therefor, writting, whereby jangling of words, hot speaches, and tedious digressions shall be avoided, is the most fitt and safe way to come to his Majesties purpose.

To the fourth, In case of agreement, interchanged papers may be given or burnt; and the conclusions agreed upon only put in write to remaine. If they can no wise agree, whatsoever shall pass in write may be, with consent of all, destroyed.

And after these answers, the Ministers concluded, that reasoning by word, without a Judge, could not possibly be had without tumult in the time of treaty, and different and contradictorious reports after breaking up of the meeting; whereby the present distractions would be augmented, and the cause of religion farther prejudged, Papists and all sorts of enemies, wishing, working and watching for division among Ministers, so far as they may.

The matter being thus stand to be the Ministers, some speaches of terrours was given out; and thereafter the Moderator proponed, that a short history might be sett down, with all consents, of that meeting, and the proceedings therein, to some such effect as followeth: That the Commissioners mett, the Commission was read, two questions were agreed upon. They for the part of the Bishops offered to disput thereupon; and the Ministers refused. The Ministers desired the last point to be mended after this manner; that they for the Bishops offered to reason be word, and refused writt; and the Ministers were willing to reason be writt: but when they should be before a General Assembly, Judge ordinar in such matters, they should be ready to reason be word or writt, as it should please the Assembly to injoyne; but here they could not reason be word, because they wanted a Judge. This was refused, and so no history was agreed on: But the Moderator desired that his Majesties letter, and the Commission being laid aside, either of the parties would advise upon some overtures for the peace

of the Kirk ; and for reporting thereof, three after noon was appointed for all to meet again. Thus, after thanks giving, the Commissioners rose.

Immediately after dinner, the Commissioners convened be themselves, and after consultation agreed upon four articles as follows :

1. That a declaration should pass from this Conference to be published in the Kirk of Scotland, reporting, that the Kirks within this realm are well constituted in doctrine and discipline, praised be God ; and that the discords and differences among the Ministers anent the one and the other, aggredged and given out be Papists, Atheists, and other enemies, are but slanderous calumnies tending to sedition, and to deceive the simple.

2. That the handling of the discords and differences among the Ministers be laid aside and spared ; and the said differences covered under the skirts of brotherly patience and christian wisdom, while first Papists and Papistrie be proceeded against, and put to a point.

3. Seeing the matter of Bishoprick and Hierarchie cannot be handled at this time, but with advantage to Papistry and Papists, and disadvantage to the established order of this Kirk, which has been a special mean, whereby they and their kingdom have been dissipated and overcome ; that purpose would be superseded, till the land were purged of them and their leaven.

4. That an humble supplication should pass from this Conference to his Majestie, for grace and favour to the Ministers that have been so long banished, kept in prison, and confined ; namely, that they may be relaxed, sett at liberty, and returned to their places.

Sessio 3a. Eodem die, hora tertia, post meridiem.

The whole Commissioners mett in the place above specified ; and, after prayer, the Moderator required the Ministers to present their advice, as was appointed before noon. And Mr Patrick Galloway presented the articles above written, which were read ; and after the reading thereof, some treated, and pressed to speak ; but authoritatively be the Moderator and some others, that vehemency was kept at under, and silence was commanded. Thereafter the advice of the other party was read, and all demanded, what they thought of it. Little said for it, and nothing against it. The Moderator desired the Ministers to take up their articles ; which being done, the conclusion after following was agreed upon.

At Falkland, the fift of May 1609.

The brethren convene'd, having read the Commiffion givē to them be the General Affembly, and confidering the generality therof, and how it is needfull, for ending of all controverfies ftanding in difcipline among the Miniftry, that the particular points in queftion be confcended upon, have, for the prefent, agreed upon two, viz. Whither in Synods or Prefbyteries the Moderators fhould be conftant, or not: And whither the Cautions fett down in the Affemblies holden at Dundee and Montrofe for reftaining the power of Bifhops, fhould be holden, and fworne unto, or not. Which two queftions being proponed, becaus neither the brevity of time, permitts, nor is it, for divers caufes, thought expedient to enter in reafoning thereof at this prefent, the brethren continue all treating of the fame till the firft Tuefday of Auguft nixt to come, appointed for their meeting to that effect in Stirling: Willing and commanding every one of the faid brethren to advife and confider gravely on the faid queftions, and all points thereof; and to be ready at their faid meeting to propone their mindes either be word or write, as they fhall think fitteft; and farther to fett down in write all the differences, which they conceive in the matter of difcipline, that fome folid courfe may be taken with common confent, for removing the fame.

In the mean time, it is thought expedient, be the confent of the whole number, that the General Affembly be prorogued till the firft Tuefday of May nixt to come, to be holden at Sanct Andrews, if it fhall please his Majeftie; that thefe affaires being brought to fome point, report may be made, according as is ordained in the faid Commiffion.

And becaus his Majefties moft zealous care for the good peace of the Kirk, and the fuppreffing of Papifts and all contrary religions, does fo many wayes appear, that we have all exceeding great matter of thanks to be given to the Almighty God, for the bleffing beftowed upon this Kirk in his Majefties perfon: It is found meet, that a letter of humble thanks be written from this Conference to his Majeftie, and that, in all congregations of this kingdom, declaration be made be every Minifter of his Hienes good affection and refolved mind to fettle the Kirk in peace and truth, and to free the fame of all the enemies, and their pernicious praćtices; and that

publick thanks be given to God for his mercies, and prayers conceived for happy progreſs of his Majeſties purpoſe.

As alſo, the brethren knowing the great dangers, that the Kirk ſtandeth in, through the enemies of religion, have thought meet to recommend to all the Miniſters and Preſbyteries in this realme a carefull proceeding againſt Papists, and ſuch [as remaine ſuſpect in religioune; and that they be diligent to lairne] of the ſtrangers that reſort from forrain parts, and to make intelligence to his Majeſties Commiſſioner, the Earle of Dumbar, or ſuch other of his Hienes Counſel as they are beſt acquainted with, that they know zealous of Gods truth, and faithfull to his Majeſtie: And, above all things, that they and every one of them intertain peace, frienſhip and brotherly love with others; laying aſide all jealousies, ſuſpitions and other prejudices; and that they communicat their counſels and helps to the advancing of religion, and eſta bliſhing a good and ſolid agreement in the Kirk; which the brethren preſent for themſelves have ſolemnly promiſed: and likeways to labour others to the ſame as far as they can, that God may have the glory, and his moſt excellent Majeſtie ſatiſfaction and contentment in all things.

This concluſion and his Majeſties letter being written and ſubſcribed, the Moderator gave thanks to God in the place where they mett.

Mr William Couper being requeſted by his Majeſties Commiſſioner and ſome of the brethren, went to the Kirk of Falkland, and all that were there with him. He made an exhortation and thankſgiving upon the laſt three verſes of the 74 pſalme; and thereafter the 133 pſalme was ſung, and thus all were diſmiſſed.

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A Commiſſion given under the great ſeal to the two Archbiſhops, to hold two courts of High Commiſſion, was proclaimed at the Croſs of Edinburgh, in March, 1610: The tenor whereof followeth.

James, be the grace of God, King of Great Brittain, France, and Ireland, Defender of the Faith, To our lovites, &c. Meſſangers and Shireffs in that part, conjunctly and ſeverally, ſpecially conſtituted, greeting. For as much as complaint being made to us in behalf of the Miniſtry of this our Kingdom, that the frequent advocations purchaſed be ſuch as were either

erroneous in religion or scandalous in life, not only discouraged the Ministry from censuring of vice ; but emboldened the offenders to continue in their wickedness, using their advocations as a mean to delay and disappoint both tryall and punishment : We, for eschewing of this inconvenient, and that the number of true professors may be known to increase, the Antichristian enemy and his growth suppressed, and all sorts of vice and scandalous life punished ; and that neither iniquitie, nor delay of tryall and punishment, be left be this subterfuge of discouraging of Ecclesiastical censures to proceed on things so meet and proper for them, have, out of our duty to God and love to his Kirk, being the nurse father of the same on earth, within our dominions, given power and commission to the Reverend Father in God, and our trusty and well beloved Counsellor, George Archbishop of Sanct Andrews, Primat and Metropolitan of our kingdom ; and to our right trusty cufine and counsellor, Alexander Erle of Dumfermling, Lord High Chancellor of this our kingdom ; George Erle of Dumbar, Treasurer ; George Erle of Mershall, John Erle of Marr, John Erle of Montrose, Patrick Erle of Kinghorn ; to the Reverend Fathers in God, Alexander Bishop of Dunkelden, Peter Bishop of Aberdeen, Alexander Bishop of Murrey, Andrew Bishop of Brechin, David Bishop of Ross, George Bishop of Dumblain, Alexander Bishop of Cathness, and James Bishop of Orkney ; to our trusty Cufines and Counsellors Lord Lindsay, Simon Lord Frazer of Lovat, David Lord of Scoon ; and to our trustie and well beloved Counsellors, Mr John Preston of Pennycook, President of our College of Justice ; Sir David Cockburn of Clerkingtoun, Knight, Lord Privie Seal ; Sir Alexander Hay, Knight, our Secretar ; Sir James Hay of Kingask, Comptroller ; Sir Thomas Hamilton of Binnie, Knight, our Advocate ; and to our Lovites, Sir David Carnegie of Kinnaird, Knight, . . . Dundas of that ilk, Alexander Irving of Drum, . . . Ramfay of Balmany, Mr John Arthur, Mr Thomas Henderson, Mr Adam King, and Mr James Bannatyn, Commissarys of Edinburgh ; Mr John Weymes, Commissar of Sanct Andrews ; Mr James Martin, Rector of the Univerlity of Sanct Andrews ; Mr Robert Howie, Principal of the New College there ; Mr David Monipennie, Dean of Faculty ; Mr Patrick Galloway, Mr John Hall, Mr Peter Hewat, Mr John Mitchellson, Mr Robert Wilkie, Mr John Strauchan, Mr Andrew Leitch, Mr Hendry Philp, Mr Arthur Futhie, and Mr Patrick Lindsay, Ministers ; or to any five of them ; the said Archbishop being always one, within the

whole bounds of the Province of Sanct Andrews : And to the Reverend Father in God, and our trusty and well beloved Counsellor, John Archbishop of Glasgou, Alexander Erle of Dumfermling, George Erle of Dumbar, John Erle of Cassils, James Erle of Glencarne, John Erle of Wigtoun, James Erle of Abercorn : And to the Reverend Fathers in God, Gawin Bishop of Galloway, John Bishop of Argyle, Andrew Bishop of the Isles ; and to our trusty counsellor and counsellor, Walter Lord Blantyre ; and to our lovits, Mr John Arthure, Mr Thomas Henryson, Mr Adam King, Mr James Bannatyne, Commisars of Edinburgh ; David Forsyth, Commislar of Glasgou ; Mr James Halyday, Commislar of Dumfries ; Mr John Hamilton, Commislar of Hamilton ; Mr James Hamiltoun, Commislar of Lanerk ; Sir George Elphinston of Eastwood, Knight ; Mr Patrick Sharp, Principal of the College of Glasgou ; Mr William Birnie, Minister of Lanerick ; Mr John Hay, Parson of Ranfrew ; Mr James Hamiltoun, Dean of Glasgou ; Mr David Sharp, and Patrick Walkinshaw, Subdean of Glasgou ; Mr Thomas Ramsay, Minister at Dumfries, Mr John Bell, Minister at Glasgou, and Mr Walter Steuart, Minister at . . . ; or any five of them, the said Archbishop being always one of them, within the whole bounds of the Province of Glasgou : To call before them, at such times and places as they shall think meet, any person or persons dwelling and remaining within the Provinces respectivé above writen of Sanct Andrewes, of Glasgou, or within any Dioceis of the same, being offenders either in life or religion, whom they hold any ways to be scandalous ; and that they take tryal of the same ; and if they find them guilty and impenitent, refusing to acknowledge their offence, they shall give command to the Preacher of the parish where they dwell, to proceed with sentence of excommunication against them ; which if it be protracted or delayed, and their command be that Minister be not presently obeyed, they shall convene any such Minister before them, and proceed in censuring of him for his disobedience, either by suspension, deprivation, or warding, according as in their discretion they shall hold his obstinacy and refusal of their direction to have deserved ; and farther, to fyne at their discretions, imprison or ward any such person, who being convicted before them, they shall find upon tryall to have deserved any such punishment ; and a warrant under the hand of any five above named, of every Province respectivé above writen, the said Archbishop of the Province being one, shall serve for a sufficient command for the Captains and Constables of our wairds and

castles, and to all keepers of jayles or prisons, either to burgh or land, within any part of the Provinces respectiue above written, for receiving and detaining such persons as shall be unto them directed to be kept be them, in such forme as be the said warrand shall be prescribed, as they will answer upon the contrair at their perrill: and of all such fynes as shall be imposed on any offender, the one half to pertain unto ourself, and the other half to be employed upon such necessary things as our said Commissioners shall be forced unto, by charging of parties and witnesses to compear before them; and the superplus to be bestowed at the sight of the said Commissioners be distribution among the poor: Commanding the Lords of our Privie Counsell, upon sight of any certificat subscribed be any five of the said Commissioners within every Province, as said is, the said Archbishop of the Province being one, either of any fine imposed be them upon any partie compearing and found guilty, or of the contumacy and refusal of any to compear before them, that the said Lords of our Privie Counsell direct a summar charge of horning upon ten dayes only; and that no suspension or relaxation be granted, without first a testificat under the hand of the Archbishop of the Province, containing the obedience and satisfaction of the party charged, be produced; and in case of farther disobedience or rebellion of the party who shall be charged for his fyne or not compearance, the saids Lords of our Counsell are then to prosecute the most strick order, as is usual against rebels, for any other cause whatsomever. With power to our saids Commissioners to proceed herein, as also to take tryall of all persons that have made defection, or otherways are suspected in religion; and as they find any just cause against them, to proceed in manner foresaid: and als whensoever they shall learn or understand of any Minister, Preacher, or Teacher of Schools, Colleges, or Universities, or of exhorting or lecturing Readers, within these bounds, whose speeches in publick have been impertinent, and against the established order of the Kirk, or against any of the conclusions of the bypast General Assemblies, or in favour of any of these who are banished, warded, or confined for their contemptuous offences; all such being no matter of doctrine, and so much idle tyme spent without instruction of their auditory in their salvation, ought so much the more severely to be punished; in regard that they are Ministers, who of all others should spend least idle talk, and specially in the chair of verity: and, therefor, after the calling of them before said Commissioners, they are to be questioned and tryed upon the points of that

which is to be laid againſt them, and puniſhed according to the quality of their offence : And whereas complaints ſhall be made unto them be any party that ſhall be conveyened before any Eccleſiaſtical Judicatory for any ſuch crime as he ſhall be then ſuſpected of, or that the partie doeth alledge alwayes the matter itſelf to be improper to that Judicature, or the proceeding to have been informal, or that the Judicature itſelf has been too partial; and when the Commiſſioners ſhall ſee any juſt cauſe, they are then to take tryal and cognition thereof unto themſelves, and to diſcharge the ſaid Judicature of all farther proceeding : Giving power alſo to our ſaid Commiſſioners to make choiſe of a Clerk, and other members of Court; and to direct out precepts in name of the ſaid Archbiſhop, and his aſſociats within every Province, for citation of any parties before them, within the bounds of the ſaid Provinces, in any of the ſaid cauſes above mentioned; which precepts are to be ſealed with a ſpecial ſeal, containing the armes of the ſaid Biſhoprick: giving alſo power to charge witneſſes to compear before them, under the pain of forty pounds ſcots money; and upon the certificat of the ſaid Commiſſioners, that any of the ſaid penalties are incurred be them, the ſaid Lords of our Counſel are to direct the like charges for payment of the ſame, as is appointed for payment of the fynes in the ſaid Commiſſion paſt our Great Seal, containing diverſe other heads, clauſes, articles, and conditions, and bearing date at our Court at Roſtoun, the 20 of Januar laſt, at length is contained: wherof neceſſary it is that publication be made to all our lieges, that none pretend ignorance thereof. Our will is herefor, and we charge you ſtraitly, and command, that incontinent theſe our letters ſeen, ye paſs to the ſaid burghs within the Provinces above written, and there be open proclamation, that ye make publication of the premiſſes, that none pretend ignorance: And alſo, that ye, in our name and authority, command and charge all our lieges and ſubjects to reverence and obey our ſaids Commiſſioners in all and every thing tending to the execution of this our Commiſſion; and to doe nothing to their hinder or prejudice, as they and ilk one of them will anſwer to us and our Counſell, upon their obedience, at their higheſt paine, charge, and perrill. The which to do, &c.

Given under our Signet at Edinburgh, the 15 day of Februar, and of our reigne the 47 year, 1610.

Per Aſtū Secreti Conſilij.

THE KINGS MISSIVE.

Trustie and well beloved, we greet you well. Albeit we justly fearing the disorders that might arise in the General Assembly appointed to be holden at Sanct Andrewes, the day of May next, be reason of the differences now in the Church for matters of discipline, did be our Letters, published in Februar last, desert the said meeting; and specially declared, that it was not our mind to appoint any new Assembly, before we were well assured of the peacable inclination of these of the Ministry, who should meet and convene therat: Yet having been lately advertised of great confusion arising in the Church, by reason of the loose and unsettled government which is therein, and being intreated be sundry of our good subjects, Bishops, Ministers and others, for licence to some general meeting of the Church, wherein hope is given us, that some good course by common consent shall be taken for redress of all unorders, and the division of minds, that has so long continued among the Ministry, to the great scandal of their profession, should cease and be extinguished, we have been pleased to yield to their requests, and granted liberty for a General Assembly to be holden at Glasgow, the 8th day of June next: And, therefor, we will and require you to make choice of the most wise, discreet, and peaceably disposed Ministers among you, to meet and convene the said day and place, instructed with sufficient commission from the rest, as in other Assemblies you have been accustomed; and to advise anent the excommunicated Erles, what order shall be taken with them for their satisfaction of the Church; anent the late erections, to communicate to our Commissioners the estate of every church within any of the same, the maintainance allowed thereto; an overture for supplying the churches, which are not sufficiently provided; and what is the best course to be taken for the ready payment of the Ministers, so as they be not distracted from their charge, and forced to attend the Law for discussing of suspensions, and such like questions arising thereupon: in which point we have had many grievous complaints from diverse of the Ministers there, and understood our good purpose touching them and their maintainance to have been wonderfully crossed; and that they be ready to give their best opinion in all the former points, and in every thing else that shall be demanded of them for the good peace of the Church. And becaus by our Letters we have particularly acquainted the Archbishop

of Sanct Andrews of our purpose herein, and sent unto him a special note of the names of such as we desire to be at our said meeting; it is our pleasure, that you conform yourselves thereto, and make choise of the persons that we take to be fittest for giving advice in all matters: wherein ye shall doe us acceptable service. We bid you farewell.

From our Court at Whitehall, the first of Aprile, 1610.

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The Bishop of Sanct Andrews Letter to the Presbytrie of Chirneside.

Grace be multiplied unto you.

Beloved Brethren, after my heartie commendations in the Lord, I have received a Letter from the Kings Majestie anent the direction of Commissioners to the approaching General Assembly. And to the effect ye may understand my Commission to you for that effect, and the Kings Majesties pleasure, I thought good, as having credit of his Majestie in these matters, to shew to your Moderator the authentick Letter that has proceeded from his Majesties hand, and to send to you the note of the persons, whom his Majestie has thought fittest for that work. This I beseech you, since our Presbyteries in Fife, and, as I hear, the Presbytrie of Edinburgh hath agreed to the Kings desire, that ye will not fail to send a free, voluntary Commission with these brethren, who have also received their severall Missives from the Kings Majestie, that ye seem not to be singular, and refractorie to reasonable petitions. I hope, that this my counsel shall be well accepted of you: and since suddane and willfull conclusions haue wrought such bitter effects, I hope, ye will not provock the Kings Majestie to wrath, without any necessary occasion. Thus I beseeke God to bleis you all with the spirit of truth and love to the end.

Edinburgh, the 28 of May, 1610.

Your loving and assured Brother,
SANCT ANDREWS.

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A.D. M.DC.X.

The Generall Assemblie of the Kirk of Scotland halden at Glasgou,
the 8 of Junij 1610 years, quher was present,

[THE KINGS COMMISSIONERS.

The Earle of Dumbar.	My Lord Prefident.
The Archbishop of Sanct Andrews.	My Lord Secretarie.

OF THE NOBILITY.

Earles Montrose.	Lords Lindsey.
Glencarne.	Scoone.
Cathness.	Blantyre.
Wigtoun.	Kintail.
Kinghorne.	Mr of Tillibartine.
Abercorne.	Comptroller.
Lothian.	Kilfyth.

OF THE MINISTRY.

ORKNAY.

Bishop of Orknay.	William Hair.
Robert Stewart.	Mr Andrew Dislingftoun.
Mr Patrick Waterftoun.	

CATHNESS.

Bishop of Cathness.
Mr William Pope.
Thomas Paipe.

James Gray.
Mr Andrew Ogfbwie.

Ross.

Mr George Monro.

Mr Robert Rock.

MURRAY.

Bishop of Murray.
Mr James Dundas.
Mr Thomas Dundas.
Mr Patrick Dundas.

Mr William Clogie.
Mr Alexander Raufon.
Mr William Reid.

ABERDEEN.

Bishop of Aberdeen.
Mr David Rait.
Mr Archibald Bleckburne.
Mr Robert Burnet.
Mr John Logie.
Mr John Reid.
Mr John Garein.
Mr Robert Merfer.

Mr Abraham Sibbald.
Mr George Hay.
Mr James Hay.
Mr Robert Maitland.
Mr John Strauchan.
Mr Robert Rofs.
Mr Robert Reid.
Mr Alexander Guthrie.

MERNES.

Mr Andrew Ramfay.
Mr James Rait.

Mr Adam Walker.

BRECHEN.

Bishop of Brechen.
Mr Dugul Campbel.
Mr Andrew Leitch.

Mr Richard Merchestoun.
Mr James Elliot.

ARBROTH.

Mr Arthure Futhie.	Mr Henrie Phillip.
Mr Patrick Lindfey.	Mr John Guthrie.
Mr Andrew Drummond.	

DUNDIE.

Mr David Kineir.	Mr Robert Rynd.
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MEEGLE.

Mr Henrie Guthrie.	Mr David Brown.
Mr Alexander Kinninmouth.	

PERTH.

Mr William Couper.	Mr Archibald Moncreife.
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DUNKELDEN.

Bishop of Dunkelden.	Mr James Menzies.
Mr Silvester Ratray.	Mr Alexander Ireland.

AUCHTERARDER.

Mr James Burdoun.

STIRLINE.

Bishop of Dumblane.	Mr William Narne.
Mr William Stirline.	

SANCT ANDREWS.

Archbishop of Sanct Andrews.	Mr William Murray.
Mr David Monipennie.	Mr Simeon Durie.

UNIVERSITIE.

Mr Robert Howie.

COUPER.

Mr James Martine.
Mr Robert Buchanan.

Mr John Caldcleugh.
Mr Thomas Douglas.

KIRKALDIE.

Mr John Mitchelson.
Mr William Murray.

Mr Alan Lawmonth.

DUMFERMLINE.

Mr James Stewart.
Mr Andrew Forrefter.

Mr William Paton.

EDINBURGH.

Mr John Hall.
Mr Peter Hewat.

Mr Michael Cranftoun.

LINLITHGOW.

Mr Robert Cornwal.
Mr Alexander Keith.

Mr Robert Gilmour.
Mr Thomas Peebles.

DALKEITH.

Mr Patrick Tournour.

HADINGTON.

Mr James Carmichael.

DUMBAR.

Mr Edward Hepburne.
Mr John Lauder.

Mr Thomas Hepburne.

PEEBLES.

Mr James Logan.

Mr Robert Levingstoun.

CHIRNSIDE.

Mr John Clappertoun.

DUNSE.

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KELSO.

Mr James Knox.

Mr John Balfour.

Mr Thomas Storie.

GLASGOW.

Archbishop of Glasgow.

Mr John Bell of Glasgow.

Mr Patrick Sharpe.

Mr Andrew Boyd.

PAISLEY.

Mr John Hay.

Mr William Birstoam.

Mr Archibald Hamiltoun.

Mr George Maxwel.

DUMBARTON.

Mr Walter Stewart.

HAMILTOUN.

Mr Thomas Muirhead.

Mr David Sharp.

Mr James Hamiltoun.

Mr John Howison.

LANERK.

Mr William Birnie.
Mr John Lindfey.

Mr Robert Wilkie.

AIR.

Mr Peter Prymrofe.
Mr John Makcorne.

Mr William Wallace.

IRWING.

Mr Alexander Scringeur.

Mr Michael Wallace.

DUMFREIS.

Mr Thomas Ramfay.
Mr Robert Huntar.

Mr Robert Henrifon.
Mr Simeon Johnstoun.

KIRKCUDBRIGHT.

Bishop of Galloway.
Mr John Aikman.
Mr William Hamiltoun.

Mr Robert Glendinning.
Mr James Donaldfon.

WIGTOUN.

Mr James Adamfon.
Mr John Watfon.

Mr George Kinnard.

ARGILE.

Bishop of Argyle.
Mr John Cameron.
Mr Donald Makilrorie.

Mr Neil Campbell.
Mr John Makcallum.
Mr Nicol Makcalman.

ISLES.

Bishop of the Isles.
Mr Patrick Stewart.

Mr Robert Stewart.

OF BARONES.

Drumlanrig.
Glenurquhie younger.
Wauchtoun.
Bombie.
Northberwick.
Calderwood.
Balnamoone.

Minto.
Balmaine.
Gairntullie.
Duntreith.
Mr Samuel Cockburne.
Sir George Elpingfoun
of Blytswode.

OF BURROWES.

EDINBURGH.

Edwart Ker. Mungo Makcal.

PERTH.

Gawin Dalyel.

DUNDIE.

Mr William Ferguson.

ABERDEEN.

Alexander Rutherford.

SANCT ANDREWS.

John Knox.

GLASGOW.

James Forfeft.

Sessio 1^a 8 Junij.

Exhortation being made by James Bishop of Orkney, Moderator of the last Assembly, the Commissioners, after their accustomed manner, proceeded to the election of the Moderator of this present Assembly. The leits being nominat, John Archbishop of Glasgow, Mr Patrick Sharpe, Mr Patrick

Lindfey, and Mr John Mitchelfon ; by plurality of votes John Archbishop of Glasgow was chosen Moderator hac vice.

Thereafter, according to the accustomed order, Assessors were chosen to convene with the Moderator in the Privie Conference, for treating of such things as are to be concluded in the Assembly : They are to say, the Kings Majesties Commissioners, with the Bishop of Orkney, the Bishop of Cathness, Mr William Paip, Mr George Monro, the Bishop of Murray, Mr James Dundas, Mr Alexander Raufon, the Bishop of Aberdeen, Mr John Strauchan, Mr George Hay, the Bishop of Brechin, Mr Patrick Lindfey, Mr Andrew Leitch, Mr Arthure Futhie, Mr James Martine, Mr David Monipennie, Mr Robert Howie, Mr John Mitchelfon, Mr William Murray Parson of Dyfert, the Bishop of Dunkeld, Mr Archibald Moncreife, Mr William Couper, Mr Alexander Ireland, the Bishop of Dunblane, Mr Peter Hewat, Mr John Hall, Mr Michael Cranstoun, Mr Edward Hepburne, Mr Robert Cornwall, Mr James Carmichael, Mr John Clappertoun, Mr James Knox, Mr Thomas Storie, Mr William Birnie, Mr Thomas Muirhead, Mr Patrick Sharpe, Mr Andrew Boyd, Mr John Hay, Mr Alexander Scringeour, Mr Michael Wallace, the Bishop of Galloway, Mr James Adamson, Mr Thomas Ramsey, the Bishop of Argyle, the Bishop of the Isles, and Mr Neil Campbell.

The hours appointed for meeting of the Privie Conference, are seven hours in the morning, and two hours afternoon ; and for the Assembly, nine hours in the morning, and three hours afternoon.

Commissioners appointed for reading and answering of the bills, are Mr Henrie Phillip, Mr John Reid, Mr Robert Buchanan, Mr Thomas Hepburne, Mr Walter Stewart, Mr Robert Henrifone, Mr Silvester Ratray.

Sessio 2^a. Eodem die.

The which day the Earle of Dumbar, one of his Majesties Commissioners, after he had made open declaration of his Majesties good minde and zealous intention towards the establishing of a good, solid and perfect order in the discipline of the Kirk in this realme ; in the which there were fundrie points, which his Majestie would have reformed ; the reformation whereof doth most properly appertain to his Highness, in respect of his royal au-

thoritie and duty, wherein his Majestie is bound to God Almighty to provide, that the estate of the Kirk within his dominions should be settled as well in Discipline, as in Doctrine, according to the Word of God; to the effect that, the same being once solidly settled, the true Word of God may be purely and sincerely preached to his Highness subjects; and the discipline of the Kirk, once wisely and discreetly settled, may be inviolably observed in all tymes coming. Thereafter he produced his Majestys Letter directed to this present Assembly, whereof the tenor followeth.

Right Reverend Fathers in God, Right trustie and welbeloved Cousins, Counsellours, and others our trustie and loving subjects, as well Ministers as Laity, presently met and convened in this Assembly, We greet you well. If the most sharp censure were taken of every one his particular affection to the religion professed, we might very justly boast, without ostentation, of our ever continued constancie, praised be God, notwithstanding of both the allurements, as also the threatnings of the adversarie, and of the misbehaviour, yea the pride, and often treasonable contempts of some of our subjects of the same profession; so that none, unto whom either our by past life hath been known, or to whom our present actions are notour, but they without doubt will rest fully persuaded hereof; since we have now openly declared ourselves to be the Principal Opposits on earth to the Antichristian enemy, against whom to our last breath, without respect of hazard, we do intend to maintain and defend the truth professed. And as it hath pleased God in his mercie to appoint us to be the Nourish Father of his Church here on earth, within our dominions, so do we intend ever to be most careful for setting forward all such things, which may advance his glory, and breed quietness and peace in the Church; unto which nothing hath been so great an enemy as the want of order and government, without which no bodie or estate, either ecclesiastical or civil, can subsist. And howsoever the singularity of some did, for a certain space, maintain, either by wilfulness or ignorance, a sort of headless government; yet ere long it did kyth what inconvenience and harm might ensue to the Church, and advancement of the Gospel, by any longer continuance thereof: which moved us, during our stay there in our own person, to take so great pains for finding remedie to this, which otherways had kithed so incurable a canker, being permitted to have had any farther progresse: And, therefore, at that time willing to do things rather by consent, than

absolutely out of our royal power and authoritie, (which also is very lawfull, and granted to us by God himself,) we thereupon not only assisted and countenanced fundrie Assemblies of that Church by our own presence; but have caused others be convened since our departure from thence, having to our great cost and charges procured also maintenance, sufficient in some reasonable sort, for the Fathers of the Church; and have directed order to be taken for the plantation of Churches void: as likewise, in so far as the ecclesiastick jurisdiction by secular persons was incroched upon, we have put also remedie thereto: So as we did fully hope, that before this time, the Church thereupon, apprehending and perceiving errors past, in suffering that anarchie amongst them to keep so long continuance, should have resolved and concluded, and therewith have become suiters and solicitors unto us, for establishing of that government and rule, which is most fit and allowed of, in former times in the Primitive Church: so that things should not be left still in uncertainty, by reason of the division and distraction of minds among yourselves, by which, to your own knowledge, both the common enemy hath increased, and sinne and wickedness remain unpunished. But whether the default be in the Fathers of the Church, their unwillingness, or unworthiness, to do and perform what in dutie belongeth unto them; or in the factious singularity of others of the meaner rank, (who do perhaps presume of their greater credit by keeping things in confusion:) and we not being fully acquainted with the true cause, and yet in our dutie to our God, as being his Lieutenant here, holding ourselves justly bound not to suffer this sort of lingering, in a matter of such moment, have thereupon thought expedient to call this present Assembly, not so much for necessitie as that any thing is to be moved, whereunto your consent is much requisite; but that our true affection to Gods glory, and advancement thereof, and to the peace and well of the Church, being declared and manifested, you may try the more inexcusable, for not urging that good to the Church, which we do intend for it without your consents, if we finde a slow concurrence upon your part; and yet hoping, that your forwardness will remove all opinion, which may be conceived either of unwillingness, or oppositions to our so godly intentions: and having referred the particular imparting of our farther pleasure and minde herein, to our right trustie and right well-beloved Cousine and Counsellour, the Earle of Dumbar, and the right reverend Father our right trustie Counsellour, the Archbishop of Sanct Andrews, (both of whom we have directed as our Commissioners to this

present Assembly, and whom we will you credit and trust,) and intending upon their reports to take special notice of every ones affection, and forwardness in this service, and thereupon to acknowledge and remember them hereafter, as any fit occasion for their good shall occurre : We commit you and your actions, with the good successe of the business, to Gods good guiding ; and bid all of you right heartily farewell.

From our Court at Thetfurde, the eight of May, 1610.

After the reading of which his Majesties letter, the Assembly thought it most expedient, that the brethren, appointed to be on the Privie Conference, should convene the next day in the morning, and privatly among themselves after reasoning advise upon such heads of the Discipline of the Kirk, as they should think to have need to be reformed, for giving his Majestie satisfaction in that point.

Sessio 3^a. 9 Junij, post meridiem.

The which day, the whole Assembly being convened, the brethren appointed for the Privie Conference, by the mouth of the Moderator, declared that after long deliberation they had agreed upon certain heads concerning the special points of Discipline, within the Church of this realme, for satisfaction of his Majesties will, contained in his Highness letter, which was thought expedient to be read openly to the whole Assembly, whereof the tenor followeth. C.]

Followes the Heids and Articles concerning the Discipline of the Kirk, to be observit in all tyme coming.

In the first, It is declairit that the alledgit Assemblie holdin at Aberdein, is null in the selfe, speciallie in respect it had not his Majesties allowance, and was dischargit be his Commissioner.

And because the necessitie of the Kirk craves, that for ordour taking with the commoun enemy, and vther affaires of the Kirk, ther shalbe geirlie Generall Assemblies, the indiction quherof the Assembly acknowledges to appertaine to his Majestie be the prerogative of his royall crowne ; and, therefore, the Generall Assemblie most humbly requiests his Majestie, that

General Affemblies be haldin once in the ȝeir ; or at leift, in refpect of the neceffities foresaid, that his Majestie wald appoint a certaine tyme, at the quiblk the samein falbe haldin in all tyme comeing.

Item, It is thought expedient, that the Bischops falbe Moderatours in every Dioceſian Synod, and the Synods falbe haldin twyfe in the ȝeir of the Kirks of every Dyocie, viz. in Apryle and Oetober. And quher the Dyocies are large, that ther be two or thrie Synods in convenient places, for the ease of the Ministrie.

Item, That no sentence of excommunicatioun, or abſolutioun therfra, be pronouncit againſt or in favours of any perſon, without the knowledge and approbation of the Biſhop of the Dyocie, quho muſt be anſuerable to his Majestie for all formall and vnpartial proceedings therin ; and the proces being found formall, the sentence to be pronouncit at the directioun of the Biſhop, be the Miniſter of the paroch quher the offender dwells, and thair proces began.

And in cace the Biſhop falbe found to have ſtayit the pronouncing of the sentence againſt any perſon that hes merit the ſame, and againſt quhom the proces hes bein laſullie deduceit, the ſamein being tryit, and he conviſt in the Generall Affembly therfor, that advertiſement falbe made to his Majestie, to the effect ane vther may be placit in his rowme.

Item, That all preſentatiouns be direct heirafter to the Biſhop ; and vpon any preſentatioun givin, or vtherwayes ſute made be any to be admittit to the Miniſtrie, the Biſhop is to requyre the Miniſters of theſe bounds quher he is to ſerve, to certifie by thair teſtificat vnto him of the partie futer his converſatioun paſt, and abilitie, and qualificatioun for the functioun : and vpon the returne of thair teſtificat, the Biſhop is to take farther tryall ; and finding him qualified, and being aſſiſted be ſuch of the Miniſtrie of the bounds quher he is to ſerve, as he will aſſume to himſelfe, he is then to perſyte the hail aſt of ordination.

Item, In depoſitioun of Miniſters, the Biſhop aſſociating to himſelfe the Miniſtrie of theſe bounds quher the delinquent ſerved, he is then to take tryall of his fault, and, vpon juſt cauſe found, to deprive him.

Item, That everie Miniſter, in his admiſſioun, ſhall ſweare obedience to his Majestie, and his Ordinar, according to the forme ſett downe in the Conference keipit in the ȝeir of God 1571 ȝeirs, quherof the tenour followis.

The Forme of the Oath to be given be the Perſon provydit to any benefice with cure, the tyme of his Admiſſioun be the Ordinar.

I, A. B. now nominat and admittit to the C. of D. vtterlie teſtifies and declares on my conſcience, that the right excellent, right high, and mightie Prince, James the ſixt, be the grace of God, King of Scotts, is the only lawfull ſupreamे governor of this realme, aſweill in things temporall as in conſervatioun and purgatioun of the Religioun ; and that no forraine Prince, Prelate, State, nor Potentat hes or aught to have any juridiſtioun, power, ſuperioritie, preheminence or authoritie, eccleſiaſtiſcall and ſpirituell, within this realme : And, therfor, I vtterly renunce all forraine juridiſtiouns, powers, ſuperiorities, and authorities ; and from this furth promiſes, I ſhall and will beare faith and true alledgeance to his Hienes, his aires, and lauffull ſucceſſours ; and to my power ſhall aſſiſt and defend all juridiſtiouns, priveledges, preheminencies, and authorities granted and belongand to his Hienes, his aires, and lauffull ſucceſſours, or vnited and annexit to his Royall Crown : And farther, I acknowledge and confeſſe to have and hald the ſaids poſſeſſiouns of the ſamein, vnder God, only of his Maieſtie and Crowne Royall of this realme : and for the ſaids poſſeſſiouns I doe homage preſentlie to his Hienes in your preſence ; and to his Maieſtie, his aires, and lauffull ſucceſſours, ſalbe faithfull and trew. Swa help me God.

Item, The viſitatioun of ilk dyocie is to be done be the Biſhop himſelfe : and if the bounds ſalbe greater then he can overtake, he is then to make ſpeciall choiſe, and to appoint ſome worthie man to be viſitour in his place : And quabatever Miniſter, without juſt cauſe and lauffull excuſe made, fall abſent himſelfe from the viſitation of the Dioceſan Aſſembly, he ſalbe ſuſpendit from his office and benefice, and, if he amend not, he ſalbe deprivit.

Item, Exercice of doctrine is to be continowit weeklie among the Miniſters at the times of thair accuſtomit meetings, and to be moderatit be the Biſhop if he be preſent ; or then be any vther quhom he ſhall appoint at the tyme of the Synod.

Item, The Biſhops ſalbe ſubieſt, in all things concerning thair lyfe, conſervatioun, office, and benefice, to the cenſures of the Generall Aſſembly ; and being found culpable, with his Maieſties advyce and conſent, to be deprivit.

Item, That no Bischop be eleētit but quho hes past the age of fourtie zeirs compleit, and quho at the leift hes bein ane actuell teaching Minister for the space of ten zeirs.

Quhilkis haill Articles being diuerse tymes red publicklie in the face of the haill Assemblie conveinit, after votting, the samein was ratified, approvin, and concludit be the haill Assemblie, and ordainit to be obfervit in all time comeing.

[Sessio 4^a. 11 Junij, ante meridiem.

The said day, the Earle of Dumbar, one of his Majesties Commiffioners, being presently of intention, to have caused instantly discharge all Presbyteriall meetings by open Proclamation at Mercat Crosse of Glasgow; and that becaufe he had received a special warrant and command from his Majestie to that effect, which he on no wayes would nor durst disobey; the whole Assembly most earnestly interceed with his Lordship, that it might please his Lordship to continue the making of the said Proclamation, and discharge of the Presbyteries contained in the said Letter, for a certain space; that, in the meane time, his Majestie might be certiorat of the proceedings of this present Assembly, which they doubted not would give his Majestie full satisfactiō in that part; unto the which request, those of the Nobilitie, being presently convened by his Majesties direction in the said Assembly, did concurre, and interpon their request to that same effect: whereunto the said Earle of Dumbar having acquiesced upon speciall offer made by the Noblemen convened, that they would interceed at his Majesties hands, that he should be blameless for the said delay; for the which the Assembly did giue his Lordship most heartie thanks: And, therefore, ordained a Letter to be directed, in name of the whole Assembly, containing a most humble Supplication, that it might please his Majestie of his gracious favour to accept of the proceedings of this present Assembly, in the matter of the Discipline of the Kirk, whereunto they had condescended for satisfactiō of his Majesties good will, contained in his Highness Letter; and in respect thereof, that it might stand with his Majesties good pleasure and will to superseed all further discharge of the said Presbyteries.

Anent the Supplication given in name of George Marquess of Huntlie, &c., bearing in effect, that after long conference and reasoning had in the

controverted heeds of Religion, betwixt his Lordship and certain of the Ministry deputed to that effect, he was fully resolved in all doubts and difficulties that might arise therein, or trouble him in any sort; in token whereof, he hath subscribed the Heeds and Articles of the Religion presently professed within this realme; which were presented with the said Supplication: And, therefore, desiring that a commission may be directed from this present Assembly, giving power to such Commissioners as they should appoint, to absolve him from the sentence of Excommunication, in respect of his satisfaction foresaid; as at more length is contained in the said Supplication. Therefore, the Earle of Dumbar, his Majesties Commissioner, having declared, in his Majesties name, his Highnesss minde anent the absolution of the Marquess of Huntly from the sentence of Excommunication; and in special, that it should be tried if his Lordship was fully, in heart and conscience, resolved and satisfied in the heeds of Religion, as he had subscribed the same with his hand, to the intent that thereafter he might be absolved from the said sentence of Excommunication.

The General Assembly, being ripely advised with the said Supplication, and his Majesties minde declared by his Highnesss Commissioner thereanent, Giveth, granteth, and committeth their full Commission to the persons after specified, the Archbishops of Sanct Andrews and Glasgow, the Bishops of Orkney, Galloway, Brechin, Mr John Hall, Mr Patrick Simpstone, Mr William Couper, Mr Patrick Sharpe, and Mr Andrew Leitch; with power to them to passe with his Majesties Commissioners, and the Earles of Montrose, Glencarne, Cathness, Linlithgow, Kinghorne, Wigtown, and Lothian, to the Castle of Stirling, where the said Marquess is presently confined, and there to try the said Marquess his intention and resolution, in the Heeds and Articles of the Religion; and if he be fully satisfied thereanent in his heart and conscience, as he hath outwardly professed the same, subscribed with his hand; and in case they find him fully resolved, and of inward intention to give full satisfaction in all the points and heeds of Religion controverted; and to avow, and constantly to confesse and professe the true Religion, that is presently professed publicly within this realme: In that case, they give full power and commission to the said brethren, with Mr John Hay, Mr John Mitchel, Mr Robert Cornwall, and Mr Patrick Lindsey, or any nine of them, (the Archbishops of Sanct Andrews and Glasgow being alwayes two,) to absolve him from the proceffe and sentence of Excommunication.

Item, It was humbly regrated in the Assembly, that notwithstanding of many lovable acts and constitutions, as well Ecclesiastical as Civil, alreadie made and enacted for repressing the disorder and insolence of professed and excommunicat Papists; yet neverthelesse they doe still remain in their former obstinacie and disobedience; proceeding doubtlesse upon the impunitie which they do enjoy, and oversight whereby they are suffered to have free passage and acesse in all parts of the countrey, as if they were not excommunicat: For remedie whereof, it is ordained, that every one of the Commisioners present give in roll to the Clerk of the Assembly all the persons that are excommunicat within their bounds; that the same being presented by him to my Lord Commisioner, his Lordship may cause the Secret Councel take order with them, according to the lawes of the countrey.

And because it is not unknown to the Kings Majestie, what treasonable practices and attempts are, from time to time, devised against his Majestie and his Royal Estate by the Papists, and professed enemies to the truth: Therefore, the Assembly hath thought good, that a Supplication should be directed to his Majestie, in name of the whole Assembly, to put his Majestie in remembrance of his own estate and danger, whereunto his Majestie is subject through the cruel and craftie treason daily forged and contrived against his state and person, by the Papists, Jesuits, and Seminarie Priests, enemies to God and the true Religion, and to his Majestie, because his Highness is a special maintainer of the same against their false and erroneous doctrines; that, therefore, it would please his Majestie to have such regard to his own estate, and preservation of his most sacred person from their bloudie devices, that by debarring of them and their favourers from his Majesties presence, his Majestie, by the grace and protection of God Almighty, may be preserved in safety, to the advancement of the glory of God, establishing of the true peace of the Kirk within his Majesties dominions, and comfort and tranquillitie of his Highness subjects, whose wealth and prosperitie in this earth, under God, they acknowledge to consist in his Majesties preservation.

Seffio 5^a 11 Junij, post meridiem. C.]

Forfameikle as in this present Assemblie it is alreadie statute, that the

Exercifes falbe moderatit be the Bifhops in the meitings of the Miniftrie, if they be prefent, or then be any vther quhom they fall appoint at the tyme of the Synod : and becaufe the nixt Synod is not to be haldin befor the moneth of October nixt to come ; therefor, it is ordainit, that in abfence of the Bifhop, the conftant Moderatours fall remaine in thair awin places quhill the nixt Synod be halden in October.

Item, Becaufe it is vncivill that laws and conftitutiouns, either Civill or Ecclefiaticall, being anes eftablifchit and in force, by publick and opin confent, fould be controllit and callit in queftioun by any perfon : therfor, it is ftatute by vniforme confent of this hail Affemblic, that none of the Miniftrie either in pulpitt in his preaching, or in the publick exercife, fpeake and reafon againft the acts of this prefent Affemblic, nor diffobey the fame, vnder the paine of deprivation, being tryit and convict therof; and fpeciallie, that the queftioun of equalitie and inequality in the Kirk, be not treatit in pulpitt vnder the faid paine; and that every one of the Commiffioners prefent intimat this act in the firft meeting of thair exercifes.

[Item, It is ftatute and ordained by the whole Affemblic, that the celebration and folemnization of the holy band of matrimonie, be refused to no Chriftians within this realme, neither upon Sunday, nor upon any other day, when the fame fhall be required : and ordaineth that the fame be performed with all chriftian modettie, and without all diforder.

Item, Becaufe through fundrie parts within this realme, as well in the highlands and borders, as in the mid countrey and beft inhabited and peopled land, there be many Kirks lying deftitute of a Paftor and preaching of the Word, to the great difcomfort of the people, whofe foules are thereby frufterated of the ordinarie food of the Word of God, which proceeds for the moft part of the laick patronages, and erection of fpiritual benefices in temporal livings; which erections are either not accepted by the purchafers thereof, but left in fufpenfe at the feales, without any provifion made to the Minifters of the Kirks of the benefice : or if they be accepted, either the provifion, appointed for the Minifter, is fo mean, that it is altogether unable to intertain an honeft man in his calling; or elfe the Minifter is altogether fecluded from uplifting that portion allotted to him by parifhioners, addebted in payment thereof, and is compelled to await for the fame from the erected Lord his chamberlain, or his garner, and fo in a manner getteth none, or at the leaft fmall payment of the fame : For

remeed whereof it is thought expedient, that the brethren after specified, viz. the Archbishops of Sanct Andrews and Glasgow, the Bishops of Orkney, Galloway, and Cathness, with John Clappertoun, Mr John Hall and Mr Robert Buchanan, shall convene at Edinburgh, the 20 day of June instant, and form a Supplication to be direct to his Majestie for planting of all the Kirks that are unplanted within this realme, whatsoever rank or qualitie the same be of, and that the same be direct to his Majestie by the Archbishop of the Bishop of Brechen, Mr John Hall and Mr William Couper, whom the Assembly hath appointed their lawful Commissioners, to present in all reverence to his Majestie the humble petitions and supplications direct to his Highness from this present Assembly. C.]

Extractit furth of the Register of the Acts of the Generall Assemblie
be Mr Thomas Nicolson, Commissar of Aberdeen, Clark, Keiper,
and Extracter therof.

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[Proclamation be the King, ratifying the Assembly at Glasgow 1610.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our lovits, &c., Mellingers, our Sheriffs in that part, conjunctly and severally, specially constitut, greeting. For as much as there be none who are ignorant of the great harmony and uniformity of minds among the Nobility, the Fathers of the Church, and a number of the most learned and best affected of the Ministrie, at their late meeting and General Assembly of the Church of this our kingdom, convened in our City of Glasgow, and since with the general applause of all them who were then mett together, there were diverse and fundry most worthy ordinances and constitutions then established and concluded for the weale of the Church, and preservation of good order, rule, peace and tranquillity within the same: and we, by our speciall Letter directed to the Lords of the Privy Counsil, having expressly willed and commanded them, upon the ending of the said Assembly, for the more authorizing of the conclusions of the same, to command all our subjects of whatsoever sort, condition, or function, that they doe obtemper, obey, and not contradict, oppose or impugne any article, point or head of these conclusions: And in regard that, by special

act concluded in the said Assembly, all Ministers and Preachers whatsoever are expressly prohibited and forbidden, either in privat or in publick, to speak against or impugne any of the conclusions made at that meeting, under the pain of deprivation: Therfor, the said Lords of the Privy Counsell have ordained, and ordain thir our Letters to be direct in manner and to the effect following, as an act made thereupon bears. Our will is herfor, and we charge you straitly and command, that incontinent thir our Letters seen ye pass to the Mercat Crosse of our Burgh of Edinburgh, and all other places needfull, and there be open proclamation, in our name and authority, that ye command and charge, and inhibit all our subjects whatsoever; and in special, all teaching and preaching Ministers, and lecturing Readers, within this our kingdom, that none of them presume or take upon hand, either in their sermons publickly, or in their privat conferences, to impugn, deprave, contradict, condemn, or utter their disallowance and dislike in any point or article of these most grave and wise conclusions of that Assembly endit with such harmonie, as they will answer to the contrary at their highest perill and charge; and that you command all our Shireffs, Stewarts, Bailiffs and their Deputs, all Provests and Bailies of our burrowes, and all other our officers and magistrats whatsoever within our said kingdom, that if they doe hear or understand of any breach of this present command, by any Preacher, Minister, or lecturing Reader, or other subject whatsoever, that they fail not presently to committ the trespasser in this kind in some prison or ward, untill such time as they having advertised the saids Lords of our Privy Counsell of the same, they shall have their answer returned, what farther shall be done by them: and where any magistrat shall be found and tryed to have been unwilling, remiss or slouthfull in the execution of this present direction, It is hereby declared, that their negligence and connivence at any such fault shall make them as culpable hereof as the principal offender; and they shall be accordingly with all rigour and severity punished. And herewith that ye command all others our subjects of whatsoever quality, bearing no office or charge of magistracy, and so wanting power to apprehend and committ the delinquent, that upon their hearing of any one transgressing the present command and proclamation, that they doe certify the next magistrat or some one of our Privy Counsell of the same; otherways they shall be reputed, holden and accounted guilty of the same offence, and shall be punished as principal transgressors in this kind. The which to doe, we committ to you, conjunctly

and severally our full power be thir our Letters, delivering them be you duely executed and indorfed again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of June, and of our reign the eight, and fourty thrie years, 1610.

Per actum Secreti Confilij, &c. C.]

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A.D. M.DCXII.

A Ratificatioun, be Act of Parliament haldin at Edinburgh, 1612 zeirs, of the Acts and Conclufiouns sett down and aggreitt vpon in the Generall Affemblie haldin at Glasgow, in the moneth of June 1610 : Together with ane explanatioun made by the Estates, of some of the Articles of the same.

Forfameikle as in the Parliament haldin at Edinburgh, in the zeir of God 1597, the Estates of this kingdom remittit to his Majestie to consult and aggrie with the Generall Affemblie of the Kirk, vpon the authoritie and power quhilk the Archbischops and Bischops sould have in the policie and discipline of the Kirk : Wheranent after that his Majestie and his Commissioners many tymes had most seriously conferrit and advyfit with the Ministrie : At last conclusioun was takin in the Generall Affemblie haldin at Glasgow, in the moneth of Junij, 1610 zeirs, determining all the doubtfull and contravertit points concerning the iurisdiction, policie, and discipline forsaid, with full and vniforme consent of a very frequent number of godly Ministers, assisit be the counsell and concurrence of a great many of the best affectit Nobilitie, Barrones, and Commissioners of Burrowes of this kingdom, in maner, substance, and effect following : with the explanatioun maid be the Estates of Parliament presentlie conveyit, of some of these articles resolvit vpon in the foirsaid Affemblie of Glasgow.

In the first, the foresaid Affemblie acknowledgeth the indictioun of the Generall Affemblie of the Kirk to appertaine to his Majestie, by the pre-rogative of his Royal Crowne.

And farther ordaines, that the Bischops salbe Moderatours in every Diocesian Synod. And the Synod fall hald twyfe in the zeir of the Kirks of every Dyocie, viz. in Apryle and Oötober : and quher the Diocies are

large, that ther be twa or thrie Synods in convenient places, for ease of the Ministrie: And in cace the Bifchop of the Dyocie be absent vpon any necessar occalioun, in that cace his place salbe supplid be such ane worthie Minister, bearing charge within the bounds, as the Archbifchop or Bifchop fall appoint.

That no sentence of excommunicatioun or absolutioun thereof be pronouncit against or in favours of any person, without the knowledge and approbatioun of the Bifchop of the Dyocie, quho must be answerable to God and to his Majestie for all formall and vnpartiall proceeding therein: And the proces being found formall, the sentence to be pronouncit at the directioun of the Bifchop, be the Minister of the paroch quher the offender dwells, and the proces began.

That all presentatiouns to benefices be directit heirafter to the Archbifchop or Bifchop of the Dyocie, within the which the benefice vacand be dimissioun, deprivationn, deceis, or vtherwayes, lyeth: with power ellse to the Archbifchop or Bifchop to dispone and conferre such benefices as falls in his Dyocie, jure devoluto: Provyding alwayes, in caice any Archbifchop or Bifhop sould refuse to admitt any qualified Minister, (accepting the presentatioun grantit to him, and who hath bene once receivit and admitted to the functioun of the ministrie, being then still vndepryvit,) presentit to them be the patrone, in the caice of any such refuse, It salbe lafull to the patrone to reteine the whole frutes of the said benefice in his awin handis. And either he, or the paroch wanting a Pastour, be reason of the not planting of the Kirk, (in caice the refusall therof come be the Bifchop,) may complaine therof to his Archbifchop; and if either the Archbifchop be the refuser, or els give not due redresse being complained vnto: in that case the Lords of his Majesties Privie Counsell, vpon the parties complaint of the refuse, and no sufficient reason being givin for the same, fall direct letters of horneing, chargeing the Ordinarie to doe his duetie in the receiving and admitting of such a person as the said patrone hath presentit. It is alwayes declarit, that if any Archbifchop or Bifchop fall deprehend any such person as is presentit to him, to have come within compasse of a simoniacall pactioun with the patrone, in so farr as he hath either alreadie hurt, or promised or bound himselfe to prejudice and hurt the estate of his benefice in not reserving a sufficient maintenance for him and his successeurs, answerable to the estate of his benefice; and that the Bifchop or Archbifchop fall vnderstand the same, either be the parties oath, or vther cleir pruiſ and

evidence: in that cace they may lafullie refuse any such person presentit to them. But if the partie who is presented, hath reservit to himselfe and his successours a sufficient maintenance, the setting of tacks, or promise to doe the same, or doing of any thing els to his patrone, (being not prejudiciall to that aforesaid maintenance,) shall no wayes be ascrivrit to any simoniackall pactioun, nor shall not serve for any reason to the Archbischop or Bischop to refuse him. And in cace any such contraverfie or question shall occur betuixt the patrone, the person presentit, and the Archbischop or Bischop, It is declarit, that the Lords of Counsell and Sessione shalbe Judges therevnto, to decyde vpon the said symoniackall pactioun, and qualitie of the same, if any such thing shalbe objectit against the partie presentit.

In depositioun of Ministers, the Bischop associating to himselfe the Ministerie of these bounds quher the delinquent served, he is ther to take tryall of the fact, and vpon iust causes found, to depriue: And the lyke ordour to be observit in suspensioun of Ministers from the exercise of the function.

That every Minister in his admissioun shall sweare obedience to his Majestie, and to his Ordinar, according to this forme following: I A. B. now nominat and admittit to the kirk of D. testifie and declare in my conscience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faith, &c. is the onlie lafull supreme governor of this realme, asweill in matters spirituall and ecclesiasticall as in things temporall: And that no foraine Prince, State, nor Potentate, hes nor aught to have any iurisdiction, power, superioritie, preheminencie, or authoritie ecclesiasticall or spirituall within this realme. And therfor, I vtterlie renounce and forsake all foraine iurisdiction, power, superiorities, and authorities; and promyses, that from this furth I shall and will beare faith and true alledgance to his Hienes, his aires, and lafull successours; [and to my power shall assist and defend all iurisdicions, priviledges, preeminences, and authorities granted and belonging to his Highnes, his heirs, and lawfull successors,] or vnited and annexit to his Royall Crowne. And further, I acknowledge and confesse to have and to hold the said D. and possessioun of the same, vnder God, of his Majestie, and his Crowne Royall of this realme: and for the saids possessiouns I doe homage presentlie to his Hienes in your presence: and to his Majestie, his aires, and lafull successours, false true. So help me God. And als that every

Minifter in his admiſſioun fall ſweare obedience to his Ordinar, according to this forme following: I A. B. now admittit to the Kirk of C. promiſes and ſweares to E. F. Biſchop of that Dyocie obedience, and to his ſucceſſors in all lafull things. So help me God.

And if the ſaid benefice be at the preſentatioun of ane laik patrone, the perſon preſentit fall give his aith as followes: I G. H. now admittit to the forſaid benefice, teſtifie and declare in my conſcience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, &c. is the onlie lafull ſupreme Governor of this realme, as weill in matters ſpirituell and eccleſiaſticall as in things temporall; and that no forraine Prince, State, nor Potentate, hes nor aught to have any juriſdictioun, power, ſuperioritie, preheminance, nor authoritie eccleſiaſticall or ſpirituell within this realme. And therfor, I vtterlie renounce and forſake all forraine juriſdictioun, power, ſuperiorities, and authorities; and promiſes, that from this furth I fall and will beare faith and true alledgance to his Hienes, his aires, and lafull ſucceſſours; and to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preeminencies, and authorities granted and belonging to his Hienes, his aires, or lafull ſucceſſours, or vnitied and annexit to his Royal Crowne. And I doe acknowledge and confeſſe to have and hald the ſaid benefice and poſſeſſiouns of the ſame, vnder God, be his Maieſtie, of E. F. lafull patron of the ſame.

That the viſitatioun of ilk Dyocie be done be the Biſchop himſelfe; and if the bounds be greater than he can overtake, that then he make ſpeciall choiſe of ſome worthie man of the Miniſtrie of the Dyocie, to viſite in his place: And quatever Miniſter, without juſt cauſe and lafull excuſe made, fall abſent himſelfe from the viſitatioun, or the Dioceſian Aſſembly, he ſhalbe ſuſpendit from his office and benefice; and if he amend not, he ſhalbe depriuit.

That the Conventiouns of Miniſters for Exerceiſe ſhalbe moderatit be the Biſchop being preſent; and in his abſence, be any vther Miniſter quhom he fall appoint at the Synod.

Quhilkis acts, ordinances, declaratiouns, and determinatiouns above wrytin, his Maieſtie finding to be verie aggreeable to the true religioun profeſt within this kingdome, and to the godly and decent governement of the Kirk, Miniſtrie, and whole members therof: Therfor his Hienes, with advyce and conſent of the Eſtates of Parliament, ratifies, approves, and con-

firmer all and fundrie the premyſſes : and ordaines them and every one of them to be obeyit and obſervit, be all his Hienes ſubieſts, as inviolable lawes in all tyme comeing. Annulling and reſcinding the 114 act of his Maieſties Parliament, haldin in anno 1592, and all and quhatſomever acts of Parliament, laws, ordinances, conſtitutiouns, ſentences, and cuſtomes, in ſo farre as they or any of them, or any part of the ſame, are contrair or derogatorie to any of the articles above wrytin, als eſſentially and effectuallie in all reſpects as if the ſaids acts and conſuetudes heirby abrogat were at lenth heirin expreſſit.

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A.D. MD.CXV.

[The Courts of High Commiſſion united in December, in forme and manner following.

Our Sovereigne Lord ordaineth a Letter to be made under his Highneſſe great Seal, in due form, making mention, that ſorſameikle as it hath been heavily complained to his Maieſtie, in the behalf of the Miniſtrie of the Kingdom of Scotland, of the frequent Advocations, made by the Lords of Councel of the ſame Kingdom, againſt ſuch as are either erroneous in religion, or ſcandalous in life ; whereby they are not only diſcouraged from cenſuring of vice, but the offenders ſo much the more emboldened to continue in their wickedneſſe, uſing their Advocacion as a mean and delay, both to diſappoint trial and puniſhment, knowing that many of the Miniſtry, in regard of the meannels of their proviſion, are unable to attend, and proſecute the diet of ſuch proceſſe ; the matter contraveened being alſo improper to the Councel to cognoſce upon. For eſchewing of the which inconveniences, and that the number of true Profeſſors may be known to increaſe, the Antichriſtian enemy and his growth ſuppreſſed, all kind of vice and ſcandalous life puniſhed, and that no cover of iniquitie, nor delay of trial and puniſhment of the offender be left, by this ſubterfuge of diſcharging the Eccleſiaſtical censure to proceed in things ſo meer proper for them, or being otherwiſe of a mixt nature, in regard of the danger and ſequel of law by reaſon of the offence committed ; which in this caſe can no wayes be ſo well ſupplied, as by the particular choiſe of ſome of the Nobilitie,

Clergie, other Laicks and Minifters, being well affected in religion, zealous in the caufe of God, and defirous to have all vice and finne punifhed, and the increafe and growth of the enemy ftayed : And becaufe the citation of the forefaid perfons is oftentimes protracted or delayed by abfence of any of our two Archbifhops of Scotland, either by ficknefs, or for other reafonable caufes ; fo that by the abfence of our Archbifhop of Sanct Andrews, the scandalous perfons, within the Province and Diocie of Sanct Andrews, cannot be cited to compear before our Archbifhop of Sanct Andrews as their Ordinar : And by the abfence of our Archbifhop of Glaſgow, the offenders, within the Province and Diocie of Glaſgow, cannot be cited to compear before our Archbifhop of Glaſgow ; fo that the scandalous perfons, at the leaſt the moſt part, eſcape puniſhment : Therefore, for remedie hereof, out of his dutie towards God, and love to his Kirk, being the Nurſe Father of the ſame upon the earth, within his Majeſties dominions ; and grieving, that either hereticks, ſchiſmaticks, or scandalous liverſ, ſhould finde any ſubterfuge, colour, or eſcape the old ordinarie courſe from the Eccleſiaſtical puniſhment, appointed by his Hienes laws, againſt offenders in ſuch cauſes, hath given, granted, and committed, and by the tenor hereof, gives, grants, and committs full power and commiſſion to the moſt reverend Fathers in God, and his Highnefs right truſtee and welbeloved Conſellors, John Archbifhop of Sanct Andrews, Primat and Metropolitan of Scotland, and James Biſhop of Glaſgow, conjunctly and ſeverally, and Alexander Earle of Dumfermline, Chancellour of our Kingdom of Scotland, John Earle of Marr, George Earle of Merſchal, John Earle of Montroſe, Peter Biſhop of Aberdeen, Alexander Biſhop of Murray, William Biſhop of Galloway, Patrick Biſhop of Roſs, Andrew Biſhop of Brechin, Alexander Biſhop of Cathnefs, Adam Biſhop of Dumblane, Andrew Biſhop of Argile, and George Biſhop of Orkney, the Lord Binning, Secretary of our realme of Scotland, Lord Lindſay, William Lord Sanquhair Lord Forbes, Walter Lord Blantyre, Sir Richard Cockburne of Clerkington, Lord Privie Seal, Sir Alexander Hay of Whitburgh, Clerk of Register, Sir William Oliphant Newtown Knight, our Advocate, Sir Gedeon Murray of Eliebank Knight, our Treafurer Depute, Sir David Carnegie of Kinnaird Knight, Sir William Levingſtoun of Kilſyth Knight ; Mrs Patrick Galloway, John Hall, Peter Hewat, Andrew Ramſey, Miniſters at our Burgh

of Edinburgh, Mr John Ramfey, Miniſter at . . . Mr John Hay, Parſon at Ranfrew, Mr William Birnie, Miniſter at Air, Mr John Abernethie, Miniſter at Jedburgh, Mr Edward Hepburn, Miniſter at Preſtoun, Mr John Mitchelfone, Miniſter at Bruntland, Mr Theodor Hay, Parſon of Peebles, Mr Thomas Henriſon and Mr John Arthure, Commiſſars of Edinburgh, Mr John Weemes, Commiſſar of Sanct Andrews, Mr William Hay, Commiſſar of Glaſgow; or any five of them, the ſaids Archbiſhops of Sanct Andrews and Glaſgow, or any one of them, being of the number of the foreſaids, to ſummon or call before them, at ſuch time and places as they ſhall think moſt meet, all perſon or perſons, dwelling within our Country of Scotland, and within the Provinces of Sanct Andrews and Glaſgow, and Diocies of the ſame, being offenders either in life or religion, whom they finde any wayes to be ſcandalous; and ſpecially, reſettlers and intercommuners with Jeſuits, Seminary and Maſſe Priests, or excommunicat Papists, ſayers and hearers of Maſſe, recusants, and not communicants, inceſtuous and adulterous perſons; and that they take trial of the ſame: And if they finde them guiltie and impenitent, reſuſing to acknowledge their offence, they ſhall give direction and command to the Preacher or Miniſter of that pariſh, where they dwell, to proceed with the ſentence of excommunication againſt them; which ſentence, if it be protracted or delayed, and their command by that Miniſter be not preſently obeyed, they ſhall then convene any ſuch Miniſter before them, and proceed in cenſuring him for his diſobedience, either by ſuſpenſion, or deprivation, or otherwiſe, according as in their diſcretion they ſhall hold his obſtinacie, and reſuſal of their directions, to have deſerved: And farther, to fine at their diſcretions, impriſon, or ward any ſuch perſons, whom, being convened before them, they ſhall find upon trial, for contumacie, or their non compearance, to have deſerved ſuch puniſhments for the ſaid crimes: And a warrant under the hand of any five above named, any one of the ſaid Archbiſhops being alwayes one of them, ſhall ſerve for a ſufficient command to Captains and Conſtables of his Highneſs Wards and Caſtles, and to all keepers and Jaylors of all Priſons or Wards, either within burgh or land, within any part of the ſaid cuntry, for receiving and detaining of ſuch perſons, as ſhall be directed unto them, to be kept by them in ſuch form as by the ſaid warrants ſhall be preſcribed, as the ſaid offenders will anſwer to the contrarie upon their peril. And of all ſuch fines, as ſhall be impoſed upon any offender, the one half

to appertain to his Majestie and his Highness Treasurer ; another half to be employed upon such necessary charges, as the said Commissioners shall be forced unto, by charging all Papists, and witnesses to compear before them ; and the surplus to be bestowed, at the sight of the said Commissioners, ad pios usus : And that the said Letters be extended in the best form with all clauses needful, and with command therein to the Lord of his Highness Privie Council of Scotland, upon the sight of any certificat, subscribed by any five of the said Commissioners, the said Archbishops being alwayes two of them, either of fine imposed upon any partie found guiltie, or of the contumacie or refusal of any partie to compear before them, to direct a summar charge of horning upon ten dayes only, for payment of the fines to be imposed upon them, and to direct his Highness Letters and warrant for present denouncing of persons that are contumacious, for their contumacie and refusal to compear, being lawfully called to that effect : and that no suspension nor relaxation be granted, without a certificat under the Bishops hands, of the partie charged his obedience and satisfaction : And in case of farther disobedience of the partie, who shall be charged for his fine of non compearance, his Majestie then ordaineth his Lords of Council to prosecute the most strait order, as is used against any others his Highness rebels, for any other cause whatsoever : With power to the said Commissioners to proceed therein ; and also to take trial of all persons, that have made defection, or otherwise are suspected in religion ; and as they finde any just cause against them, to proceed in manner foresaid : Commanding also by thir presents the Captains and Lieutenants of his Majesties guards, Provosts and Bailliffs of Burghes, where the said Commissioners shall sit, Sheriffs, and Bailiffs of Regalities, and all others his Majesties Officers, and Ministers of the lawes, to search, seek, take and apprehend all and sundrie persons his Majesties lieges, whom the said Commissioners shall think meet to be presented to their judgement and trial, upon a warrant subscribed by any five of the said Commissioners, any of the said Archbishops being alwayes one of them : And also, whensoever they learn or understand of any Minister, Preachers or Teachers in Schooles, Colledges or Univerlities, or of exhorting and lecturing Readers within these bounds, teaching or speaking against the present established order of the Kirk or Estate, against any of the conclusions of the by past General Assemblies holden at Glasgow, or any acts of Parliament, and specially, the act of Parliament holden at

Edinburgh, in October 1612 years: and therefore, after calling before the said Commissioners, they shall be questioned upon the points of that which is laid against them, and punished according to the qualitie of their offence. And whereas complaints shall be made unto them by any partie, that shall be conveyened before any Ecclesiasticall Judicatorie, for any such crime as he shall be suspected of, and the partie alledge there, that the matter itself is impertinent to that Judicature, and the proceedings to be, and to have been informal; or that the Judicature itself hath been partial: And when the said Commissioners shall see a just cause, they shall take like as it shall be leesome to whatfomever person or persons, to appeal to the said Commissioners from any inferior Ecclesiasticall Judge, upon any reasonable cause: then and in that case, the said Commissioners to take cognition therein, the case of Appellation being found reasonable: With power also to the said Commissioners, to make choise of the Clerk, Procurator fiscal, and other members of Court; and to direct precepts in name of the said Archbishops and their Associates, for their citation of any parties before them, within the bounds of the said countrey, in any of the causes or cases above named: which precepts shall be sealed with a special Seal, containing the Armes of the said two Archbishops; and these presents shall be a sufficient warrant, both for making, and using the said Seal; and to charge witnesses to compare before them, under the pain of fourtie pounds usual money of this Realme of Scotland: And upon a certificat from the said Commissioners, that any of the said penalties are incurred by their contumacie, the said Lords of Council shall direct the like charges for payment of the same, as is appointed for the fines. Attour, our said Sovereign Lord by the tenor hereof dischargeth the Lords of his Highness Council and Session of all advocating to themselves, from our Ecclesiasticall Judicatories, any of the matters of the qualities above written; but that they referre the same to the decision of the said Commissioners: And generally to do all and whatsoever things the said Commissioners shall hold fit and convenient for his Highness service herein, according to the intent and purposes of his Majesties Commission: Charging likewise, and commanding all and sundrie his Highness lieges and subjects, whom it effeirs, to answer readily, and obey the said Commissioners, or any five of them, any of the said Archbishops being alwayes one of them, their officers and Ministers, in all and sundrie things concerning the premises, under all

higheft pain and charge that after may follow : And ordains our Great Seal to be appended to the fame ; whereunto thefe presents fhall be a fufficient warrant.

Given at Royftoun, the 21 of December, the year of God 1615 years,
and of our reigne fourtie nine, and thirteen years.

A. Chanc. Binning.

Murray. Alexander Hay.

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A. D. MD.CXVI.

The Kings Letter to Mr John Spotswood, Bifhop of Sanct Andrews.

Right reverend Father in God, right trusty and well beloved Counfellow, We greet you well. We have received your letter of the 13 of this infant, whereby ye and the remanent Bifhops doe give us account of the High Commiffions proceedings, and the caufes moving them at their laft meeting, to committ the Marquefs of Huntlie : and as we are well pleafed both with your Affembly, and that effect thereof, efpecially at this time of fo great defection, and apoftacy in the North ; fo it is our pleasure, that the faid Marquefs be no ways relieved of his commanded reftRAINT, but that he remain therein, notwithstanding our late letter fent to him, which being directed and difpatched before we knew of his reftRAINT, is not to be interpreted as a warrant for his relief thereof ; fo as notwithstanding the faid letter, ye are ftill to detain him, if he be in prifon, and otherways to caufe him reenter the fame.

And feeing now ye haue made fo fair an entry and way to curb and correct Popery, and prevent the future growth and increafe therein ; fo we are the more earneftly to perfuade you to fett forward in fo good a caufe, without fainting or wearying ; becaufe at this time of the Marquefs his imprifonment, every man will be in expectation of fome real effect and work of reformation : Wherfor you and all the reft of your colleagues are to ufe the greater care and diligence in your proceedings againft the Jefuits, Priests and Papifts in thefe parts ; and chiefly againft thefe of the faid Marquefs his name, kind, and dependents, by citation, or fuch other courfe as ye fhall think meet for their difcovery, purfuit, tryal, and punifhment,

wherein as we doubt not, but ye will perform all that we can expect or require of you, so may ye be confident of our special approbation, and aid to be conferred to any lawfull course that ye intend or take for the same.

In the mean time, among other particulars of that letter sent unto us, wee cannot but take special notice of the devilish disposition of Cornelet Gordouns wife, in railing so wickedly against a Preacher, and using such speeches to divert people even at the church door from entering to hear the Word: Wherefor, our pleasure is, that ye resolve upon the most expedient course to bring her to Edinburgh, and she to be committed to the Tolbuith thereof: for if these speeches expressed in the said letter be verified against her, we will repute her as infamous, odious, and punishable as any witch: and unless be her punishment, we be confirmed of her guiltiness, we must esteem the information made against her to be but an invention, and yow too easily to have believed a lye.

According to your desire, we have required our Depute Treasurer to cause dispatch the guard to pursue Gight, and take his house. And for punishing the rest that being cited, compeared not before our Hie Commission, we have willed him to proceed against all and every one of them, with all severity and rigour of law.

And to conclude, whereas ye desire the declaration of our pleasure concerning Mr John Murrey: Seing be his conformity he has given you satisfaction, we are well pleased, that ye place him in Dumfermling, or elsewhere as ye shall think most fitt. And so we bid yow farewell.

At Wanstede, the 22 of June, 1616.

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Proclamation be the King, for holding the General Assembly at Aberdeen, in August 1616.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our Lovits, &c. Messengers, our Shireffs in that part, conjunctly and severally, specially constitut, greeting. For as much as the Prelats, and the reverend Fathers of the Kirk, foreseeing that there is a great decay in religion, and a growth and increase of Poprie, within this our kingdom; and that the samen is like to produce many dangerous effects against the Estates, both in Kirk and Policie: And the said Prelats hav-

ing gravely devide upon the best and readiest means, both for preventing and suppressing this growth of Popery ; and for reforming of the disorders and abuses flowing therefra, they haue found, that nothing is more expedient for effectuating their good work than a National Assembly, and meeting of the whole Kirk : And by their petitions presented to us, they have humbly craved our licence for the holding of the said Assembly : Lykas we allowing of their good advice and opinion in this point, and being willing to hold hand to them in all and every thing which may procure the good of the Kirk, We have most willingly and freely given and granted our consent, licence, permission and allowance for holding of the said Assembly, and ordaining the same to hold at our Burgh of Aberdeen, and to begin, God willing, upon the 13 day of August next approaching, in this instant year of God, 1616 years. Our will is herefor, and we charge yow straitly, and command, that incontinent these our Letters seen ye pass, and, in our name and authority, make publication thereof be open proclamation, at the Mercat Crofs of the head burrowes of this our kingdom, and other places needfull, wherethrough none pretend ignorance of the same : And that ye warn all and sundry Archbishops, Bishops, Commissioners from the Kirks, and others having vote in the said Assembly, that they repair in due and lawfull tyme to our Burgh of Aberdeen, against the said 13 day of August nixt, and assist the said Assembly and meeting with their presence and votes, and doe and perform that which to their charges in such cases appertaines, as they will answer upon the contrair at their perill : The which to doe, we committ to you, conjunctly and severally, our full power be these our Letters, delivering them be yow duely execut and indorfit again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of July, and of our reignes the 49 and 14 years, 1616.

Per Actum Secreti Consilij. C.]

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A. D. MD.CXVI.

The Generall Assemblie of the Kirk of Scotland, halden at Aberdein the 13 day of August 1616: Where was present the Erle of Montrois, Commiſſioner for his Maieſtie, Lords and Barones, together with the Archbiſhops, Biſhops, and Commiſſioners from Preſbitries.

[A Faſt was indiſted, be Proclamation and found of trumpet, to be kept this day: Patrick Forbes, Laird of Corſe, taught in the morning; the Biſhop of Sanct Andrews before noon; Mr William Forbes after noon.

The King ordained by his Letter, the Primat to rule the Clergie, and his Commiſſioner, the Earle of Montroſe, to order the Laitie; and deſired the Aſſembly to adviſe upon certain overtures for the rooting out of Popery, which he promiſed to authorize be his lawes. So Mr John Spotſwood, Archbiſhop of Sanct Androis, ſtepped into the Moderators place without election. Secretar Hamiltoun and the Lord Carnegie were appointed by the King to aſſiſt the Earle of Montroſe. The Catalogue of the Preſbyteries was not called, nor Commiſſioners conſidered, whether free or limited. A number of Lords and Barones decored the Aſſembly with filks and fatins, but without lawfull Commiſſion to vote. Biſhops had no Commiſſions from Preſbyteries. The Moderators of the Preſbyteries came according to the Biſhops Miſſives.

The whole Biſhops and Lords of Councel, that were preſent, together with the Kings Commiſſioner, and his Aſſiſters, the Secretary, and the Lord Carnegy, and fifteen other Lords and Barones, with twenty Miniſters, or thereby, were appointed to ſit upon the Privie Conference. The firſt four dayes were ſpent in preaching, renewing old acts, and making ſome new acts againſt Papifts. C.]

Sessio 2^a. 14 Augusti.

Forfameikle as the most vrgent causes of the convocation of this present Assemblie, is to obviat the great increafe of Papistrie within this realme, and to try out the iust causes heirof, to the effect that sufficient remedies may be provided for redressing of the same in all tyme coming; and that it is found be the whole Assemblie, that ane great part of the causes of the said increafe relyes partlie vpon the slacknes of the Ministrie in thair holie professioun, and partlie vpon the not executing of the laws, alswell civil as ecclesiasticall, against such persons as either were excommunicat themselves, and oppinly contemnit the said censure; or quho intertaines, receipts, and maintaines quho were excommunicat; or quho were traffiquers against the true religioun presentlie profest within this realme: For remeid quherof, the whole Assemblie in ane voyce hes statute and ordaint in maner after following.

In the first, For the better tryall and discovering of Apostates, it is statute and ordaint, that quhosoever hes confessit the true religioun presentlie professit within this realme, and hes subscrivit the samein, and hes receivd the holy sacrament of the Supper of the Lord, and communicat conforme to the ordour observit within this realme; if at any tyme heirafter he or sche be found any tyme, either to reason against the said true religioun presentlie profest within this realme, or any article or heid therof, or to raile against the same, or els directlie or indirectlie to be a seducer or perverter of vthers from the said trueth presentlie profest, as said is; or if he or sche be found to receipt or intertaine any traffiqueing Papists, Jesuites, or Seminarie Priests: Any of the said facts or deids salbe a sufficient cause of apostasie, and these doers salbe reput, haldin and punishit as apostates.

And because the probatioun in the saids causes is difficile and almost impossible, in respect that the saids deids are committit covertlie, and quherin probatioun can hardly be deducit: Therfor it is statute, that in case vther probatioun cannot be had, that it fall be lawfull to prove the samein be the aith of the partie alledgit committer of the saids facts and deids; and that it fall not be leifum to him to refuse to give his oath in the saids matters, vpon quhatfoevir colour or pretence of criminall actioun, or vthers

following thervpon : and to this effect that ane supplicatioun be directit to his Majestie, that it might please his Hienes to sett downe ane ordinance for ratificatioun of the former statute, to the effect it may be receivit in all Judicatories.

Item, It is statute, if any person or persons quho hes conformit himselfe to the true religioun presentlie profess within this realme, and hes subscrivit the Confessioun of the Faith, and receivit the Communioun, if at any tyme heirafter he or they doe not baunt the ordinar exercises of religioun, being admonischit be thair ordinar Pastour trina admonitione [directed from the Sellioun of the Church,] the same being proven falbe ane sufficient cause to punish them as bald and repete apostates.

Item, It is statute and ordainit, that quhatsumevir person, known of before tyme to have bein a Papist, and after his reconciling to the Kirk, he falbe tryed and found to weare and beare vnder person Agnus Dei, beids, croces, crucifixes, or to have in their houses idols and images, or in thair bookes sick things as befor they have superstitionlie vsed, the samein fall inferre just suspitioun of apostasie, and falling back in the saids errors ; and they being convict thereof, falbe haldin and repete as apostates.

Item, It is statute and ordainit in all tyme heirafter, quhensoever any Minister fall receive any Papist returning from his errors to the bosome of the Kirk, that at the tyme of his receiving, the Minister fall first take his aith solemnlie fworne, that he fall declare the veritie of his faith and believe in every particular point and article, contained in the Confessioun of the Faith, quhilk falbe speirit at him ; and that immediatlie therafter the said Minister fall examine him particularlie vpon everie heid conteinit in the Confession of Faith, and receive his particular answer thervpon affirmativé, conforme to the samein ; vtherwayes that he fall not be receivit.

Item, It is statute anent the wyves of Noblemen, Gentlemen, and others professing Papiftry, quho resetts traffiqueing Papists, Jesuites, and Seminarie Preists, as if the same were done against the will and knowledge of thair husbands, that all such weimin falbe callit and conveynit for the said receipt and intertainment ; and thair being convict therfor, that they falbe wardit ay and quhill they find sufficient cautioun to abstaine from the lyke receipt or intertainment, in any tyme coming, vnder a certaine paine ; but prejudice of any actioun that may be competent against thair husbands, conforme to the laws of this realme.

Item, Because the speciall cause of increase of Papistrie proceds vpon

the not putting to execution of the statutes and acts of Parliament made against traffiqueing Papists, Jesuites, and Seminarie Priests; that therfor a supplicatioun be directit to his Majestie, that it will please his Hienes to take such ordour, that the loveable lawis and acts of Parliament, made be his Majestie in tymes bypast against traffiqueing Papists, Jesuites, and Seminarie Priests, may be put to executioun, in all tymes comeing, with all feveritie.

Item, It is ordainit, that the hail names of Papists recusants, within this realme, be givin in be the Commissioners of this present Assemblie, to the Clerk, to be delyverit be him to the Archbischops of Sanct Androes and Glasgou, conforme to thair severall Provinces, to the effect they may be callit and conveyit before them in the Hie Commissioun, and punished as accords; but prejudice alwayes of vther ecclesiasticall censure, and discipline of the Kirk, statute aganis them of befor.

Item, It is ordainit, that every ane of the Ministerie give up the names of such of thair paroch as hes past furth of the countrey, and not found cation for thair behaviour, and sincere professioun of the religioun, foorth of the famein, conforme to the act of Parliament, to the effect they may be callit, conveyit, and punishit conforme to the said act.

Item, It is ordainit, that the whole names of the persons excommunicat within this realme, quhilk falbe givin vp be the Commissioners, be delyverit to the Bischop of every Dyocie, quho fall delyver a catalogue of the names to every Minister within his Dyocie, ordaining every Minister to make publick intimatioun thereof, at every ane of thair paroch kirks, vpon Sunday, in tyme of divyne service, that no man pretend ignorance of the fame; chargeing and inhibiteing every ane of thair paroch, that they neither receipt the said excommunicants, nor intercommune with them: certifieing them and they doe in the contrair, they falbe callit and conveyit as receivers of traffiqueing Papists and excommunicat persons, and be punishit for the fame.

Item, The Assemblie recommends to the care of Bischops within thair Dyocies, and Ministers within thair congregatiouns, to travell with noblemen, gentlemen, and burgeses, that ther be ordinar exercisc of reiding and prayer within thair houses, as also ane prayer for the Kings Majestie and his children, after every meale: [And that the Minister of every parish haunt the houses to see the same observed.]

Sessio 3^a. 15 Augusti 1616.

Item, Because ther are some pamphletts and bookes full of calumnies, quyetlie sett foorth, and spred within this countrey be the Papiſts, and enemies of the true religioun : Therfor the Affemblic hes ordainit, that Mr William Scott, Miniſter at Couper, and Mr William Struthers, Miniſter at Edinburgh, [the Laird of Corſe, and the Biſhop of Galloway,] ſhall make anſwers to the ſaids bookes and pamphletts, to the effect that therby the peiple may be inſtruetit how to beware of the ſamein, and the ſaid errors and calumnies may be refutit.

Item, Because it is certainly informed, that certaine wemen taks vpon them to bring vp the youth in reiding, ſewing, and vther exerciſes in ſchooles ; vnder pretext and collour quherof, traffiqueing Papiſts, Jeſuites, and Seminarie Priests hes their appointit tymes of meeting : at quhilk tymes they catechiſe and pervert the youth in their young and tender age, in ſuch fort that hardlie thereafter, by great paines and travells, can they be brocht fra their errors to the acknowledging of the trueth preſentlie profeſſit within this realme : It is therfor ſtatute and ordainit, that it ſhall not be leiſum to quhatſumevir perſon or perſons to hold any ſchooles for teaching of the youth, or to teach them therein, except they firſt have the approbation of the Biſhop of the Diocie, and be firſt tryit be the Miniſters of the Preſbytrie, quher they dwell, and have their approbation to the effect forſaid.

Item, Because ther is a great abuſe in peiple paſſing to pilgrimages to wells, to trees, and auld chappells ; as likeways in putting vp of bane-fyres : Therfor it is ordainit, that the brethren of the Miniſtrie be diligent in teaching of the peiple, and preaching againſt ſuch abuſes and ſuperſtitious, to the effect they may be recallit from the ſaids errors : as likeways that the Miniſtrie take diligent tryall of the names of thoſe qubo haunts theſe pilgrimages, and to delate the ſame to the Archbiſhops of Sanct Androes and Glaſgow, every ane within their awin provinces, to the effect they may be callit befor the Hie Commiſſioun, and puniſchit for the ſame. It is lykways ordainit, that their names be delyerit to the Juſtices of Peace, with the places of their pilgrimages, and dayes of their meetings ; and that they may be requiſtit and delyrit to attend vpon the

saids dayes of thair meetings, and to disturb and divert them therfrom, be apprehending and punishing of them.

Item, It is ordainit, that every Minister give vp the names of ydle songsters within thair parishes to the Justices of Peace, that they may be callit and conveyit befor them, and punishit as ydle vagabonds, conform to the Acts of Parliament, and power given to the saids Justices of Peace theranent.

Item, Because it is found, that diverse of the said Jesuites, traffiqueing Papists, and Seminarie Preists goes about, vnder the colour and pretext of Doctours of Physick and Apothecaries, deceiving and perverting the peiple from the true religioun professit within this countrie: Therfor ane supplicatioun wald be direct to his Majestie, that it wald please his Hienes to statute and ordaine, that none heirafter be sufferit to vse and exercise the office of ane Doctour of Physick or Apothecar, quhill first he have ane approbation from the Bishop of the Dyocies, quher he maks his residence, of his conformitie in religioun; as lykewayes from the Vniversitie, quher he learnit and studied, of his qualificatioun and sufficiencie in the said art.

The quhilk day compeirit in presence of the haill Assemblie John Gordoun of Buckie, in name, and at the directioun of ane noble and potent Lord, George Marqueis of Huntlie, and presentit a petitioun, direct be the said George Marqueis of Huntlie, to the said Assemblie, subscrivit with his hand, craving to be absolved orderly from the sentence of excommunication, and desyring ane ansuer of the same to be given be the Assemblie; quherof the tenour followes, as is to be found in the end of this Assemblie.*

The Bishop of Sanct Androes presented ane letter direct from the Archbischop of Canterburie, together with ane vther letter from the Kings Majestie, concerning the absolutioun of the said Lord Marqueis from the sentence of excommunicatioun made be the said Archbischop of Canterburie, quhilk were both red in presence of the said Assemblie, and ordainit to be registrat in the Acts of the Generall Assemblie ad perpetuam rei memoriam, quherof the tenour followis:

Heir to insert the two letters quhilk is to be found afterward.*

With the quhilk the Assemblie being rypelie advist, hes thocht it most expedient, that the said Marqueise compeir in the presence of the haill AF-

* The documents referred to are not contained in the two MS. copies of B. U. K. Advocates Library, nor in the MS. or printed copies of C. to which we have had access.

femblic, ther to testifie his conformitie in the points of religioun, and resolutioun to abide therat; and swa to be absolvit from the sentence of ex-communicatioun pronuncit against him: And, therfor, ordains the said John Gordoun of Buckie to advertise the said Lord Marqueis, that he compeir befor the Assemblie, on Wednesday nixt to come, the xxj day of August instant, to the effect forsaid: And for the better furtherance heirof, the Assemblie hes defyrit the Lord Commiffioner, and Lord Archbifchop Moderator, to wryte thir letters to the said Lord Marqueis for the causes forsaids: and the whole Assemblie was charged to stay while that time.

[The Bishop of Canterburie excuses Huntlies absolution in England. The reasons moving the Bishop of Canterburie. 1. His Majesties fute, assuring him that he was fully resolved. 2. The Bishop of Sanct Andrewes had requested him divers times to further that mans conversion, whensoever occasion was offered. 3. He was resolved by the best learned in England, that he might absolve him. 4. That he did it of brotherly affection, and not as claiming any superiority over the Kirk of Scotland. 5. He was informed be the Bishop of Cathness then present at Court, that it would be acceptable service to the Kirk of Scotland. C.]

Decimo sexto Augulli, 1616.

The said day, the Lord Commiffioner for his Majestie produceit certaine instructiouns, direct by his Majestie to the said Lord Commiffioner, to be proponit to this present Assemblie, anent the provisioun of the remedie for the defectioun and falling away of many from the trueth: quherof the tenour followeth:

Instructiouns to our right trustie and welbelovit Cufigne and Counsellour the Erle of Montrois.

[1. That order be taken with the delapidation of benefices, and the progreff thereof stayed, and some means devyfed to recover that which is lost.

The Assembly thought good, that the determination of this matter should be referred to some of the most wise and discreet of the Ministry to consult and advise thereupon. And, in the meantime, it is statute, that no Bishop,

Minifter, or beneficed perfon, fett or ratifie any tack under the paine of depofition, till order be taken be the faid Commillioners thereanent.

2. That the chief burrow touns be planted with fufficient, wife, learned, and peaceable men ; efpecially fuch places as are now vacant, as Aberdeen, Perth, Edinburgh and Bamfe, &c.

3. That the moft learned, difcreet Minifters be appointed and transported to places where Noblemen has their refidence, fpecially fufpect of Papiftry ; and if the means of the provifion be fmall where they are transported, to take the rents and flipend which they had before with them, till better order be taken : and to this effect the Affembly ordaines, that ilk Bifhop within his Diocy, with advice of the Synod, fhall transport Minifters as they fhall think expedient.

4. That fpecial canon be made, that all Archbifhops and Bifhops in their vilitation, either be themfelves, or if they may not overtake the famen, the Minifters of the parifh make all young children of fix years old be prefented to them, to give confeffion of their Faith, that they may appear in what religion they are brought up. After which every two or three years they fhall be examined, till they come to 14 years of age. After fufficient growth of knowledge they may be admitted to the Communion : and that punifhment be appointed for them that prefents them not, or are negligent in their inftruccion.

5. That a true and fimple Confeffion of Faith be fet down, to the which all fhall fweare before they be admitted to any office in Kirk or Commonweale ; and all ftudents in Colledges.

6. That a fhort and compendious Catechifm be made, which every kirk and familie fhall have for the inftruccion of their children and fervants, whereof they fhall give account before the Communion, and every one be examined conforme thereto.

7. That all children and fchools fhall have and learn be heart the Catechifm, intituled God and the King ; which already, be Act of Confell, is ordained to be read and taught in all fchools.

8. That a Liturgie be made, and form of divine fervice, which fhall be read in every church, in common prayer, and before preaching every Sabbath, be the Reader where there is one ; and where there is none be the Minifter befor he conceive his oun prayer, that the common people may learn it, and by cuftom ferve God rightly.

9. That the Communion be celebrat four times ilk year in the burrow touns, and twice in landwart ; and one of the times to be at Eaſter yearly. And if any communicat not once in the year, the act of Parliament is to ſtrike upon them with all ſeverity.

10. That there be an uniformity of diſcipline ; and to that effect the Canons of the former Counſils and Aſſemblies to be extracted ; and where the ſame are defective, to be ſupplied be former Canons and Eccleſiaſtical meetings. For ſetting down whereof, the Commiſſioners following are ordained to conven with the Biſhops, in Edinburgh, the firſt day of December next to come, viz. the Laird of Corſe, Mr John Reid, Mr George Hay, Doctör Philip, Mr David Lindſay in Dundie, Mr William Scott, Doctör Howit, Mr John Mitchelſon, Mr Patrick Galloway, Mr John Hall, Mr Edward Hephburn, Doctör Abernethy, Mr Robert Scott, Mr William Birnie, Mr William Arefkine, or the moſt part of them.

11. For the help of the poſterity, and furtherance of religion, that a ſpecial care be taken of the Divinity Colledge in Sanct Andrews ; and to that effect, that every Diocie ſhall furniſh two Students, or ſo many as may make the number to extend to twenty fix ; and the half thereof to be children of poor Miniſters, to be preferred be the Biſhop of the Diocie : providing always, that theſe who are furniſhed within the Province of Glaſgow, that is to ſay, the Diocies of Glaſgow, Galloway, Argile, and the Iſles, ſhall be brought up in the College of Glaſgow ; and not be aſſriected to Sanct Andrews, but when they paſs Doctours only.

12. That none teach in pulpit publictly before the people, but theſe that have received impoſition of hands ; and whoſoever does otherways be incapable of the Miniſtry.

13. That every Miniſter ſhall miniſter the Sacrament of Baptiſm quhenſoever it ſhall be required, under the pain of depoſition ; the godfather promiſing to inſtruct the infant in the faith.

14. That every Miniſter have a Register of baptiſms, mariages, and deſuncts, within the pariſh, to be preſented to ilk Synod : For doing whereof, it is ſtatute, the Miniſters, their wives, and executors ſhall have the quotts and confirmation of their teſtaments free. C.]

Quhilk being red in audience of the hail Aſſembly, they give moſt humble thanks to his Maſtie for the great care and ſolicitude his Maſtie

alwayes tooke for the advancement of the glorie of God, and professioun of the true religioun within this realme, and holding downe and suppressing of Papistrie and superstitioun within the same: And as to the saids instructiouns, the brethren was ordainit to advyse therwith quhill the morne.

Decimo septimo Augusti, ante meridiem.

Anent the saids instructiouns directit from the Kings Majestie to this Assemblie, the said Assemblie being rypelie advysit therwith, hes statute and ordainit, as followeth.

In the first, Concerning the causes of the defectioun and falling away of many from the true religioun in this kingdome, and the remedies therof, the Assemblie hes sett them downe in the articles made befor in this present Conventioun: And therfor most humblie desyres his Majestie to confirm and allow them, and make them receive executioun.

Item, Because the laik of competent maintenance to Ministers is the cheefe cause of the evill, quhilk lay vpon this Kirk, quhilk for the most part proceids from dilapidation of benefices: to the effect therfor, that the progresse of that mischeife may be stayit, and some meanes devysit to recover that quhilk by iniquitie of tyme hes bein losit, the Assemblie remitts the tryall, cognitioun, and whole dispositioun of this matter to the Commisioners appointit from this Assemblie, for the causes underwrytin: And in the meantyme inhibites and discharges all Ministers quho are beneficit persons, and vthers quho are members of any Chapter, to sett in tack or affedatioun any part of thair benefices, either in long or short tackis, to quhatsumevir person or persons; or as members of Chapter to give thair consents to any tack or affedatioun sett be vthers, quhill the saids Commisioners have conveynit and takin ordour anent delapidatioun of benefices, and forme and maner of setting of tacks, vnder the paine of excommunicatioun of the persons setters of the saids tacks and consenters therto; and deprivation of them from thair benefices.

Item, Because the provisioun of learnit, wife and peaceable men to be Ministers at cheife Burrowstounes in vacant places, sick as Edinburgh, Perth, Aberdeen, Bamffe, and vther places vacant, is ane most effectuell meane to roote out Poperie, and perpetuat the professioun of the true religioun: It

is therfor ordainit, that the Burrowtounes be provydit with the most learnit, wife and peaceable men that may be had. And because the Commissioners for the Towne of Edinburgh hes no commissioun from the said towne, anent the provisioun of Ministers to the vacant places in the said Kirk: Therfor the care thereof is remittit to the saids Commissioners, to quhom it falbe injoynt in thair commissioun, that they sie the same performit. And as to Perth, the Assemblie ordaines my Lord Bishop of Galloway to deale with the Commissioners of the Towne of Perth, for provisioun of that vacant place. And sicklyke ordaines the Provest of Aberdein to advyse with the Counsell, anent the planting of the said Kirk; to the effect sufficient and qualified men may be nominat and provided to the said places, before the dissolving of this Assemblie.

Item, Because a special care should be had of Noblemen thair residence, cheiflie of such as were thocht to inclyne towards Poperie: Therfor the Assemblie statutes and ordaines, that the Lords Archbishops and Bishops, with the advyce of thair Synods, take care that most learnit and discreit persons of the Ministrie be appointit to attend the saids places, and be transportit therto, lick as to the Kirks of Dumbenen, Bellie, Northberwick, Cockbrnnespath, Peillay, and such vther places quher Noblemen makes residence, cheifly those quho are thought to inclyne towards Poperie; and that they have a care of thair maintenance and sufficient provisioun: And if the same be small, that these that are appointit to attend at the saids Kirks, carrie thair livings and rents with them, quhill farder order be takin.

Item, Forfameikle as one of the most speciall meanes for staying of the increafe of Poperie, and settling of the true religioun in the hearts of the peiple, is, that a speciall care may be takin in the tryall of young children, thair educatioun, and how they are catechist; quhilk, in the tyme of the primitive Church, was most carefullie attendit, as one of the most effectuall meanes, to cause young childrein in thair verie tender geirs drink in the true knowledge of God and his religioun; bot is now altogether neglectit, in respect of the great abuse and errours quhilk creip in in the Popilh Church, vpon the said good ground, be bigging thervpon ane Sacrament of Confirmation: Therefore to the intent that all errours and superstitioun quhilk hes bein biggit vpon the said ground, may be rescindit and takin away, and that the matter itfelse being most necessar for educatioun of youth, may be reduceit to its awin integritie, It is statute and ordainit, that

the Archbifchops and Bifchops, in the vifitatuon of the Kirks, either be themfelves, or quher they cannot overtake the bullines, the Miniſter of the paroch, make all young childrein of fix zeirs of age be preſentit befor them, and to give the Confelliuon of Faith, that ſo it may appeare in quhat religioun they have bein brocht vp; and that they be commendit to God by ſolemne prayer at the tyme, for the increaſe of their knowledge, and continuance of his grace with them. After that tryall, that the Miniſter of the paroch, every two or thrie zeir, ance at the leaſt, reexamine them, that after ſufficient growth in knowledge they may be admittit to the holie Communioun. And it is defyrit, that ane ſupplicatioun be directit to the Kings Majellie, humblye craueing that it wald pleaſe his Hienes to injoyne ane puniſchment vpon ſuch parties, as either doe not preſent their childrein, or falbe found negligent in their right inſtruſtioun; and that they be callit and conveint therfor befor the High Commiſſioun.

Item, It is ſtatute, that the ſimple Confelliuon of Faith vnderwrytin be vniverſallie receivit throughout this whole kingdome, to the quhilk all heirafter ſhalbe bound to ſweare and ſett their hands; and in ſpeciall all perſons that beare office in the Church, at their acceptatioun of any of the ſaids offices; and lykewayes Students and Schollers in Colledges: Of the quhilk Confeſſion the tenour followes.

Heir to infert the Confeſſioun of Faith.*

Item, It is ſtatute and ordainit, that a Catechiſme be made, eaſie, ſhort, and compendious, for inſtruſting the commoun fort in the articles of religioun, quhilk all families ſhalbe ſubieſt to have, for the better informationn of their childrein and ſervants, quho ſhalbe holdin to give accompt therof in their examinatiouns befor the Communioun. And for the better effectuating heiroy, the Aſſemblye hes ordainit Mr Patrick Galloway and Mr John Hall, Miniſters at Edinburgh, and Mr John Adamſone, Miniſter at Libbertoun, to forme the ſaid Catechiſme, and to have the ſame in readines, befor the firſt day of October nixt to come, to the effect the ſame may be allowit, and printit with the Kings Majellies licence: The quhilk Catechiſme being ſo printed, it is ſtatute and ordainit, that no vther heirafter be printed within this realme, nor vſed in families for inſtruſtioun and examinatioun of their bairnes, ſervants, nor the peiple in all tyme coming.

Item, It is ſtatute and ordainit, that ane vniforme ordour of Liturgie or

* Printed at the end of this Aſſembly.

Divyne Service be sett down to be red in all kirks, on the ordinarie dayes of prayer, and every Sabbath day befor the fermoun, to the end the commoun peiple may be acquaintit therwith, and by custome may learn to serve God rightlie. And to this intent, the Assembly hes appointit the saids Mr Patrick Galloway, Mr Peter Ewat, Mr John Adamfone, and Mr William Erskine, Minister at to revise the Booke of Commoun Prayers containit in the Psalme Booke, and to sett downe ane commoun forme of ordinarie service, to be vsed in all tyme heirafter; quhilk salbe vsed in all tyme of commoun prayers [in all kirks quher there is exercise of commoun prayers;] as lykeways be the Minister before the fermoun, quher ther is no Reidar.

Item, It is statute and ordainit, that in all tyme heirafter, the holie Communioun be celebrate in all kirks within this realme, at the tymes following, viz. in Burrowstounes, the Communioun salbe celebrate foure tymes in the geir, and twyse in the geir in landwart Kirks; fwa that ane of the tymes, as weill to Burgh as to Landwart, salbe at the terme of Easter geirlie: and if any person fall not communicat geirlie ance in the geir, at one of the forsaide tymes, that it be humbly requyrit of his Majestie, that the penaltie of the act of Parliament may be exactit of such persons with all rigour.

Item, It is thought most necessar and expedient, that ther be ane vniforme ordour of Church Discipline throughout all the Kirks of this kingdome; and to that effect it is statute and ordainit, that a Booke of Canons be made, published in wryte, drawin foorth of the bookis of former Assemblies; and quher the same is defective, that it be supplied be the Canons of Counfells and Ecclesiasticall Conventions, in former tyme: The care quherof the Assembly be thir presents committs to the Right Reverend James Archbishop of Glasgou, and Mr William Struthers, Minister at Edinburgh, quho sal put in forme the said Ecclesiasticall Canons, and present them in wryte to the Commissioners appointit be this Assembly, to quhom power is givin to try, examine [and allow the same;] and after thair allowance and approbation thereof, to supplicat to his Majestie, that the same may be ratified and approved by his Royal authoritie, with priviledge to put the same in print.

Item, It is statute and ordainit, that for the help of posteritie, and to continue the light of the Gospell with ages to come, the Divinitie Colledge foundit at Sanct Androes, quhilk shuld be the seminarie of the Kirk within this realme, be maintainit and vpholdin, and ane speciall care takin therof.

And becaufe the rent therof is meane for the prefent, it is ordainit, that for the proviſioun of ſome ſtudents in Divinitie, every Dyocie ſhall intertaine two; or according to the quantitie of the Dyocie ſo many, as the number may ariſe to twentie fixe in hail, reſpect being had to the meannes of ſome Dyocies, and greatneſs and power of vthers; ſo that the leaſt Dyocies in their contributioun ſhall be helped and eaſie be the greater: In the quhilk number it is ordainit, that the halfe at leaſt be the ſonnes of pure Miniſters, and be preſentit be the Biſhops of the Dyocies to the place.

Item, The Aſſembly ratifies and approves the former Act made in the Aſſembly holdin at Halierudehouſe, the tenth day of November 1602, anent the ſacrament of baptiſme, that the ſame be not refuſeit, if the parent crave the ſame, he giving a Chriſtian confeſſioun of his faith, vpon any vther particular pretence of delay to tyme of preaching; with this extenſion and additioun, that baptiſme ſhall no wayes be denyed to any infant, quhen either the parents of the infant, or any faithfull Chriſtian in place of the parents, ſhall requyre the ſame to the infant; and that the ſame be granted any time of day, but any reſpect or delay till the houre of preaching.

Item, It is ordainit, that every Miniſter have a perſyte and formall Re-giſter, quherin he ſhall have regiſtrat the particular of the baptiſme of every infant within his paroch, and quho wer witneſſes therto; the tyme of the mariages of all perſons within the ſame; and the ſpecial tyme of the buriall of every ane deceiſand within their parochin; and that they have the ſame to be in readines to be preſentit be every ane, at their nixt Synod Aſſembly, vnder the paine of ſuſpenſioun of the Miniſter not fulfilling the ſame, from his Miniſtrie. And it is deſyrit, that the ſaids Commiſſioners, in their ſupplikatiouns direct to his Maieſtie, wold crave humble that his Maieſtie wald ordaine the extract ſooth of the ſaids Regiſters to make faith in all tyme coming: and quho ſo obſerves this Act, the Archbiſhops and Biſhops ſhall let them have their quots of their teſtaments gratis.

Acta Seſſione ultima.

The quhilk day, in preſence of the whole Aſſembly, compeirit ane noble and potent Lord, George Marqueis of Huntlie, and declarit, that he had directit of befor John Gordoun of Buckie to preſent his ſupplikatioun to this preſent Aſſembly, quherof the tenour is inſert before; lykeas of new

he reiterat the said supplicatioun, declaring the sorrow and greife he had conceivit, in that he had lyin so long vnder the fearefull sentence of excommunicatioun; and, therfor, most humble desyrit to be absolvit from the same; lykeas he faithfullie promised, in face of the haill Assemblie, to perform and fulfill the heids and conditiones vnder specifeit, viz.:

First, The said noble Lord faithfullie promised befor God, his hand holdin vp, to proffesse and abyde be the true religioun presentlie professit within this realme, and allowit be the laws and acts of Parliament of the same.

2. He faithfullie promised to communicat at the first occasioun he should be requyrit, and so to continue, conforme to the ordour of the Kirk.

3. He should cause his childrein, servants, and haill domesticks be obedient to the Kirk and discipline therof; and should cause them haunt the kirk at ordinar tymes of preaching.

4. He shall not receive Papists, Jesuites, nor Seminarie Preists in his house, nor nane of his lands; but put them out of his bounds with all diligence.

5. He allows the Confessioun of the Faith presentlie sett downe be the said Assemblie; and in token of his constant confessioun and professioun therof, he hes subscriyvit the same in presence of the haill Assemblie.

Quhilk haill promyses above specifeit, the said noble Lord protests and declares that he hes made and subscriyvit truelie and with ane honest heart, but any equivocatioun, mentall reservatioun, or subterfuge quhatsumevir, devyit be the Romisch Kirk and thair supposts.

Attour, The said noble Lord faithfullie promyses to plant his whole kirks, quherof his Lordship hes the teinds in tack, possessioun, or vtherwayes, at the sight and conclusioun of my Lord Archbischop of Sanct Androes, the Bischop of Murray, and the Laird of Corse, vnto whose modificatioun the said noble Lord submitts himselfe, be the tenour of thir presents, giveand them power to modifie compleit stipends to the saids kirks; and as they shalbe modified be them, he oblisches him to make payment of the same to the Ministers provydit or to be provydit to the said kirks.

And in respect of the premisses, the Assemblie ordainit the said noble Lord to be absolvit from the sentence of excommunicatioun led and deduceit aganis him befor:

Conforme quherto, the Right Reverend Father John Archbischop of Sanct Androes, Moderatour, in face of the haill Assemblie, absolvit the

faid noble Lord, George Marqueis of Huntlie, from the faid sentence of excommunicatioun, led and deducit against him, and receivit him againe into the bofome of the Kirk.

The quihilk day, the Generall Affemblie of the Kirk of Scotland presentlie conveyit, having entrit in consideratioun of the causes of the defectioun and falling away of many from the true religioun, and having found the lack of the competent manteinance to Ministers not to be the least cause of the evils, quihilk lyes vpon the Kirk presentlie; the ground and fundament quherof, for the most part, hes proceidit from the dilapidatioun of benefices, with the quihilk if some solid ordour be not takin in tyme, the same is apparent to bring foorth greater evill and desolatioun in this Kirk: And seeing that the Kings Majestie hes requirit, that ordour may be takin with the saids delapidatiouns, Therfor, in respect the same cannot be suddenly done, but will requyre ane lang tyme and mature deliberatioun, the Affemblie hes givin, grantit and committit, lykeas they, be the tenour heirof, gives, grants, and committs thair full power and commissioun to the brethren vnderwrytin; they are to say, the Reverend Fathers in God, John Archbischop of Sanct Androes, James Archbischop of Glasgow, Alexander Bischop of Dunkeld, Alexander Bischop of Murray, Patrick Bischop of Ross, William Bischop of Galloway, Andro Bischop of Brechin, Andro Bischop of Orkney, Alexander Bischop of Cathness, Adame Bischop of Dumblaine, Andro Bischop of Argyle, Andro Bischop of the Isles, Patrick Forbes of Corrie, George Douglas, Minister at Cullen, Mr John Reid, Minister at Logie Buchan, Mr George Hay, Minister at Turreff, Doctour Hendrie Philip, Minister at Arbroth, Mr David Lindfay, Minister at Dundie, Mr William Scott, Minister at Couper, Doctour Robert Howie, Rector of Sanct Androes, Mr John Mitchelfone, Minister at Bruntland, Mr Patrick Galloway, Mr John Hall, Mr William Struthers, Ministers at Edinburgh, Mr Robert Scott, Minister at Glasgow, Mr Edwart Hepburne, Minister at Haughe, Doctour John Abernethie, Minister at Jedburg, Mr William Birnie, Minister at Air, Mr William Erskine, Minister at Giveand, grantand, and committand to them, or the most part of them, thairfull powerand commissioun to conveye at Edinburgh, the first day of December nixt to come, in this instant zeir of God 1616, and ther to take ordour with the dilapidatioun of benefices, and to sett downe solid grounds how the progresse of that mischeife might be staved, and to devyse

vpon some meanes to recover and restore the estate of these benefices, quhilk be iniquitie of tyme hes bein losit ; and if neid beis, to call and persew befor them these quho hes made the faids dilapidatiouns, and punishch them therfor ; and as they fall conclude, the same to be inactit, and have the force of this present Assemblie : With power lykewayes to the faids Commisioners, or the most part of them, as said is, to take ordour anent the planting of sufficient and qualified Persons in burrowtounes presentlie vacand, and are not plantit at this present Assemblie : With power lykewayes to receive from the right Reverend Father, James Archbischop of Glasgow, and Mr William Struthers, Minister at Edinburgh, the Canons of Church Discipline committit to thair charge, and to revise the samein, allow and disallow therof ; and to direct a supplicationn to his Majestie, desyreing that it wold please his Hienes to ratifie and approve the samein, and to warrant the printing therof be his authoritie Royall.

[These words following were added by the Archbischop :

Item, Power to receive the books of Liturgie or Divine Service, allow and disallow thereof, as they shall think expedient ; and the same being allowed, to cause publish the same in print for the service, within the Kirks of all the kingdom : As also to revise the Confession of Faith presented to this Assemblie, and after mature deliberation to take order, that the same may be published : And in all these things to do as they will be answerable to God, and the Kings Majesty, and the Church. C.]

The new Confession of Faith.

We believe with our hearts and confesse with our mouths these Articles of Religion following.

That God is a Spirit immutable, eternal, infinit in power, in wisdom, in goodnes and glory ; from whom, be whom, to whom are all things, in whom we live, in whom we have our being ; who is one only God, and three Persons, which are coessential, coeternal, and coequal. The first is the Father, who is of none. The second is the Son, who from all eternity is begotten of the Father. The third is the Holy Ghost, who from all eternity proceedeth from the Father and the Son. This glorious God from all eternity, out of his wisdom and infinit knowledge, decreed all things that were after to be done. This God, before the foundation of the

world was laid, according to the good pleasure of his will, for the praise of the glory of his grace, did predestinat and elect in Christ some men and angels unto eternal felicity ; and others he did appoint for eternal condemnation, according to the counsel of his most free, most just and holy will, and that to the praise and glory of his justice.

In the beginning of time, when God created of nothing all things in heaven and in earth, visible and invisible, he made them very good ; and above all things he made man and angels conform to his own image, in righteousness and true holiness : but some of the angels of their own free motive sinned against God, left their original, forsook their habitation, and abode not in the truth, and thereby became damned devils.

Then Satan abused the craftie serpent for his instrument, seducing our mother Eva ; she tempted her husband Adam : So both disobeyed the commandment of God, and thereby made themselves and their whole posteritie the bondmen of Satan, slaves of sin, and heirs of eternal damnation.

By this fall of Adam all his posterity are so corrupted, from their conception and nativity, that not one of them can do, or will any thing truly acceptable to God, till they be renewed by the will and Spirit of God, and by faith ingrafted in Jesus Christ.

This our original and native corruption by regeneration in part is weakened and mortified ; yet it is sinne indeed remaining in us, alwayes lusting against the Spirit, and tempting us to sin actually, as long as we live.

Albeit all mankind be fallen in Adam ; yet only these who are elected before all time, are in time redeemed, restored, raised, and quickned again, not of themselves, or of their works, lest any man should glory : but only of the mercy of God through faith in Jesus Christ, who of God is made unto us wisdom and righteousness, sanctification and redemption ; that according as it is written, He that glorieth, let him glory in the Lord.

This then is life eternal to know the true God, and whom he hath sent Jesus Christ : whereas vengeance shall be taken on all them that know not God, and do not subject themselves to the Gospel of the Lord Jesus Christ, by the obedience of faith.

We believe, that the rule of this knowledge, faith, and obedience, yea and of the whole worship of God, and of all christian conversation, is not the wit nor will of man, nor unwritten traditions whatsoever ; but the wisdom and the will of God, which is sufficiently revealed in the Canonical

Scriptures of the Old and New Testament, which are Genesis, Exodus, &c. exclusis Apocryphis.

We believe, that the authority of the holy Scriptures is divine ; for they are all of divine inspiration, and have God for their author ; their authority depends upon God, and not upon man ; they have power over all flesh, and no creature has power over them. We are absolutely bound to believe them for their own testimony, which is the testimony of God himself speaking in them ; and our faith dependeth not upon any external testimony of the Kirk witnessing of them. All things necessary to salvation are contained therein ; all the doctrines of the Kirk must be warranted be them ; all controversies of the Kirk must be decided be them, as the lively and plain voice of God, who is supreme Judge in matters of faith and worship.

We believe, that all points of faith and worship are so set down in the Word of God, that what is obscurely proponed in one place, is most clearly expounded in other places ; neither receive we any interpretation of any Scriptures in these matters, which is not warranted be other Scriptures.

These holy writts are delivered be God to his Kirk, to make us wise unto salvation by faith in Jesus Christ, whose person, office and benefits they most clearly and fully sett furth unto us.

The Lord Jesus Christ is declared in Scripture to be the eternal Son of God, begotten from all eternity of the Father, by whom he created the world, by whom also he does sustain and govern all things that he has made : And this Eternal Son of God, when the fulness of time came, was made man of the woman, of the tribe of Judah, and of the seed of David and Abraham, even of the blessed virgin Mary, by the Holy Ghost coming upon her, and the power of the most High overshadowing her, by whose marvellous and divine operation, the Son of God was made man of a human body and soul, and in all things like unto us, sin only excepted ; and yet so he was made man, that he ceased not to be God ; and so is God that he is also man, having both the natures, divine and humane, united together in a personal union ; so that in ane admirable Person the two natures are distinct, and not confounded in respect of their essence, their essential properties, and proper operations.

And because of the union of the nature of man in one person with the Son of God, Christ, God and Man, is to be adored and worshipped of us : for to Christ, God and Man, all power in heaven and earth is given, and

he hath gotten a name above every name, that at the name of Jesus every knee should bow.

The purity of the human nature of Christ is to be ascribed to the supernatural operation of the Holy Ghost, who separated the seed of the woman from the natural corruption, and not to the purity of the virgin Mary his Mother : for she doubtless was conceived and born in sin, and had need of her Son to be her Saviour, as well as other women.

The Lord Jesus Christ, as God and Man, is the Saviour of his Kirk, which is his body ; and the fulness of him filleth all things ; neither is there salvation in any other thing.

This blessed Lord has fulfilled the whole law for us, to our behove, and in our place, both doing all that the Law requireth of us, and suffering the punishment due to our disobedience, even the curse of the Law, and death of the cross, whereby the fulfilling of the Law, our redemption was sealed and consummated.

We believe, that as he died for our sin, and rose for our righteousness, so he ascended to heaven, to prepare a place for us, and sitteth at the right hand of God, to make intercession for us, and is able perfectly to save them that come to God by him ; who albeit in his manhood he be so in the heaven, that he is no more in the earth ; for the heavens must contain him, till he come to judge the quick and the dead ; yet in his Godhead he is so present every where, be his power sustaining all things, and be his gracious Spirit directing and governing his Kirk militant upon earth.

We believe, that the Lord Jesus Christ was appointed and anointed of the Father to be the King, and High Priest, and supreme Teacher of his Kirk.

We believe concerning his Prophetical Office, that he is the only master and teacher of his Kirk, whom God be his own voice from heaven commanded us to hear ; who has revealed the whole will of the Father touching our salvation ; and what he has heard of the Father, he hath made known to us, speaking nothing to his Kirk, which he did not before hear of his Father, that his Kirk might learn to receive nothing in faith and worship, which she has not heard of him.

As concerning his Priestly Office, we believe, that he is our only mediator both of redemption and intercession ; and that, by the sacrifice of himself once offered on the cross, he has made a full satisfaction for all our sins, and doth continually make intercession for us to God : And, therefore,

we abhorr that supposed reiterating of the sacrifice of Christ in the Masse ; and we renunce all kind of intercession of Saints and Angels.

As concerning the Kingdom of Christ, beside his absolute impire, whereby he ruleth all things, we believe him to be our eternal King, and only Head of his Kirk Univerfal : Neither he nor his Kirk hath any need of a Lievtenant Deput in his place ; seeing he is present in his Kirk alwayes be his Spirit, powerfully working therein, calling, collecting, quickning and graciously ruling in her, be the Ministry of the Word and Sacraments, to the consummation of the world.

We believe, that our communion with Christ our Head is spiritual, by the Holy Spirit, which dwelleth powerfully both in the body, and in the Head, making the members conform to the Head ; and it is no ways corporal, or by any fleshly receiving of his body.

We believe, that, be vertue of this communion, Christ is ours, and we are Christs, and his suffering is our satisfaction ; and by it we have right, title and interest in all the benefits, which he did promerit and purchase to us by his suffering.

We believe, that God justifies sinners by remitting of their sins, and by imputing to them the righteousness and obedience of Christ, whereby he fulfilled the whole Law in our place, both in doing the commandments thereof, and in suffering the curse thereof, which was due to us because of our disobedience.

We believe, that that righteousness, whereby we are justified before God, is not inherent in us, but in Jesus Christ ; and that it is freely given to us of Gods free grace, through our faith in Jesus Christ.

We believe, that we are justified by faith, as it is an instrument apprehending and applying the righteousness of Christ to us, and not as it is a quality and vertue inherent in us ; so that the meritorious cause of our justification is not in the faith which apprehendeth, but in the righteousness of Christ be faith apprehended.

We believe, that albeit we be not justified by good works before God, and can merit nothing at Gods hand ; yet they are the way to the Kingdom of God, and are of necessity to be done for obedience to God, for glorifying of his name, for confirming ourselves anent our election, and for good example to others : and constantly we affirm, that faith, which bringeth not furth good works, is dead, and availeth nothing to justification or salvation.

We believe, that the elect being renewed, are sealed with the Holy Spirit of promise, in such sort, that albeit they bear about in their flesh the remnants of that original corruption, and albeit they offend through infirmity, and through the intisements thereof sin grievously to the great offence of God : yet they cannot altogether fall from grace, but are raised again through the mercy of God, and kept to salvation.

Concerning the certainty of our salvation, we believe, that every one of us in particular ought to be fully persuaded thereof, giving credit both to the external promise of the Word, and internal witness of the Spirit. And as for the doubtings thereof, which we often find in ourselves, we doe not allow ; but contrariwise damne them, as the fruits of the flesh fighting against our faith.

We believe, that God has appointed his Word and Sacraments, as instruments of the Holy Ghost to work and confirm faith in man.

We believe, that the Word of God ought to be preached and the Sacraments administered, and all divine service, as praying and praising, in all languages known and understood by the people.

We believe, that the Sacraments are certain visible seals of Gods eternal covenant, ordained be God to represent unto us Christ crucified, and to seal up our spiritual communion with him.

We believe, that the Sacraments are to be ministered only be them, who are lawfully called thereto be the Kirk of God.

We believe, that the Sacraments have power to confirm faith, and confer grace, not of themselves, or ex opere operato, or force of the external action ; but only by the powerfull operation of the Holy Ghost.

We believe, that there be only two Sacraments, appointed by Christ under the New Testament, Baptisme, and the Lords Supper.

We believe, that Baptism is necessary to salvation, if it can be orderly had : and that, therfor, not the want of it, but the contempt of it doth damne.

We believe, that Baptism sealeth up unto us the remission of all our sins, whereof we are guilty, either before or after our baptism.

We believe, that Baptism is to be ministered simply in the element of water, with the rite of dipping, washing, or sprinkling, in the name of the Father, Son, and Holy Ghost, according to Christs institution, without other elements or sacramental rites devised be men.

We believe, that the Lords Supper is to be given to all communicants, under the elements of bread and wine, according to Christs institution.

We believe, that the elements of bread and wine in the Lords Supper, are not transubstantiated, or changed in the substance of the body and blood of Christ; but that they are sacraments of his body and blood, thus changing their use, but not their substance.

We believe, that the body and blood of Jesus Christ are truly present in the holy Supper, that they are truly exhibit unto us; and that we in very truth doe participat of them, albeit only spiritually and by faith, not carnally or corporally.

We believe, that the Lords Supper is a commemoration of the sacrifice of Christ, which once offered did fully expiat our sins. With his one sacrifice, once offered, we are all fully content, neither doe we seek any other expiatory or propitiatory sacrifice. But as for sacrifices of praise and thanksgivings, the sacrifice of a contrite heart, almes and charitable deeds, these we ought daily to offer, as acceptable to God in Christ Jesus.

We believe, that the sacrifice and merit of Christ is not applied to us, by the work of a sacrificing Masse Priest; but by that faith, which is wrought in our souls by the Holy Ghost, whereby the sacrifice and merit of Christ is applied to us; and being applied to us becometh our satisfaction, attonement and merit.

We believe, that souls of Gods children, which depart out of this life in the faith of Jesus Christ, after the separating from their bodies, immediately pass into heaven, and there rest from their labours untill the day of judgment, at which time they shall be reunited with their bodies, and enjoy life everlasting with Christ: Likeas the souls of the wicked immediately pass to hell, there to remain till the day of judgment, which day, being conjoined with their bodies, they shall sustain the judgment of everlasting fire: and besides these two, a third place for souls we doe not acknowledge.

We believe, that there is an holy catholick or universal Kirk, which is the holy company of all these, who, according to the purpose of Gods eternal election, since the beginning of the world, were called, and, to the end of the world, shall be called to the Kingdom of Christ, and to the communion of eternal life in him.

We believe, that the true members of his Kirk are only the faithfull, who are chosen to life everlasting.

This Kirk we believe to be but one, and that out of it there is no remission of sins to salvation.

We believe, that this Kirk is partly triumphant in heaven, partly militant on earth. The whole militant Kirk on earth is divided in many and diverse and particular Kirks, which are visible and conspicuous to the eyes of men.

We believe not, that all these particular Kirks on earth are pure, but these only which continue in the doctrine of the Prophets and Apostles, according to the holy canonical Scripture, worshipping God purely, and ministering the Sacraments according to the same. And these be the true marks, whereby a true visible Kirk on earth may be discerned and known.

As concerning the worship of God, we confess and affirm, that all religious worship and service is only to be given to God, as his proper due and glory, which he will communicat to no other; believing firmly, that God is to be worshipped only according to his own will, revealed in his Word.

And, therfor, we abhorre all will worship, all invocation of Saints or Angels, all worshipping of images, crucifixes, relicts, and all other things which are beside the true God.

We believe and confess, that God hath ordained Kings, Princes, and Magistrates, for the good of Commonwealth, for the better governing in the Kirk, and to be nurse fathers of the same: And, therfor, that all their subjects are bound in duty to obey them in all things they command lawfully, not repugnant to the will of God; and that they are obliged to pray for them daily, that under them they may lead a godly and peaceable life.

We believe and constantly affirm, that the Kirk of Scotland, through the abundant grace of our Lord, is one of the most pure Kirks under heaven this day, both in respect of truth in doctrine, and purity in worship: and, therfor, with all our hearts we adjoyn ourselves thereto, and to the religion publickly professed therein by the Kings Majesty, and all his true subjects, and authorized by his Majesties laws; promising be the grace of God to continue therein to the end of our life, according to all the articles which are here sett down: Which as we believe with our hearts, so we confesse with our mouthes, and subscribe with our hands; understanding them plainly as they are here conceived, without equivocation or mental reservation whatsoever. So may God help us in the great day of Judgment.

A. D. MD.CXVII.

[The General Assembly was indicted by open proclamation, and found of trumpet at the Mercat Crofs of Edinburgh, upon the 4th of November 1617, to be holden at Sanct Andrewes the 25th day of that fame month.

The Erle of Montrose was appointed be the King to be his Commiffioner ; but excufed himfelf with ficknefs by a letter fent to the Counfell four or five dayes before the time appointed for the Affembly. The Counfell fent the copy of the letter to the Bifhop of Sanct Andrewes. The Bifhop returned anfwer, that the Kings fervice muft not be neglected. So the Lords of the Secret Counfell gave commiffion to my Lord Binning Secretar, my Lord Carnegie, my Lord Kilfyth, the Lord Advocat, and the Treafurer Deputy, conjunctly, or to any three of them, to fupply his place.

After the reading of the Kings letter, wherein he willed them to conform to his defire, otherways declared he would ufe his own authority ; the brethren of the Conference were chofen. There was fome reasoning ; but the King and Bifhops purpofe was withftood, both in the Privy Conference and in the publick Affembly. The Bifhop defired that fome brethren might be appointed to confider what fhould be granted to give his Majefty fatisfaction. Mr Patrick Galloway and four others were appointed for this purpofe. They devyfed thefe overtures following.

If any good Chriftian, vifited with long ficknefs, and known to the Paftor, by reafon of his prefent infirmitie, unable to refort to the Church, for

receiving of the holy Communion ; or being sick shall declare to the Pastor upon his conscience, that he thinks his sickness to be deadly, shall earnestly desire to receive the same in his house, the Minister shall not deny the same ; so as lawful warning be given to him, at the least twentie hours before, and that there be six persons at least of good religion and conversation, free of lawful impediment, present with the sick person to receive ; who must also provide a convenient place in his house, and all things necessary for the Ministers reverent administration thereof, according to the order prescribed in the Church.

To remede the irreverent behaviour of the vulgar sort, in receiving the holy Communion, it is found meet by this Assembly, that the minister himself shall in the celebration give the elements out of his own hand to every one of the Communicants, saying, when he giveth the bread, Take, eat, this is the bodie of the Lord Jesus Christ which was broken for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And when he giveth the cup, Drink, this is the blood of Jesus Christ shed for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And to the end the Minister may give the same the more commodiously, he is by advise of the Magistrates, and honest men of his Session, to prepare a table, at the which the same may be conveniently ministered, and gravely to exhort his people, that they communicate reverently, and shew a humble and religious behaviour in the receiving of the same.

Anent the remanent of the Articles proponed to the Assembly, the Assembly after long reasoning, in special anent preaching upon the dayes of the Nativity, Passion, Resurrection, Ascension of our Lord, and descending of the Holy Spirit, having considered, that a great number of Commissioners from Synods, Burrowes, and Gentlemen, in respect of the season of the year, distance of the place, and shortness of the advertisement, would not be present ; and that the most part of those who were assembled, are not resolved fully in some of these points proponed ; and that they are in all loyalty and obedience most willing to give his Majesty all satisfaction, and have agreed and promised to inform themselves anent the said Articles, wherof they presently stand in doubt, and to instruct their people, elders and parishoners by all means, that all offence, which may be taken, may be removed, have thought good, that (beside the two points, which are con-

cluded, especially to give remonstrance to his Majesty of their most willing affection) the rest of the said Articles shall be continued to the next Assembly; and to that effect, that a most humble supplication may be directed by his Majestys Commissioners, and the General Assembly, that it may please his Majestie of his gracious favour to grant a continuation, and to convocat an Assembly for decision of the matters, at such commodious times as his Majesty shall think expedient.

A. D. MD.CXVIII.

The General Assembly holden at Perth the 25 of August 1618 :
Where, for obedience to His Majesties Proclamation, and particular Missives, the following persons convened.*

His Majesties Commissioners, My Lord Binning Secretary, Lord Scoone, Lord Carnegie ; their Affessors, Sir Gideon Murray, Treasurer Deput, Sir Andrew Kerr of Fernihirst, Captain of the Guard, Sir William Oliphant, the Kings Advocat, and Sir William Livingstoun of Killyth : Noblemen, the Erle of Lothian, Lord Vchiltrie, Lord Sanquhar, Lord Boyd : Barones, Wauchtoun, Lutquharn, Glenurquhart younger, Clunie-Gordoun, Bonytoun-Wood, Weemes, Balvaird, Balconie, Balcarras, Balmanno, Bombie, Blackbaronrie, Lagg : Burgeses, for Edinburgh, David Aikenhead, George Foules ; for Perth, James Aedie, Constant Malice ; for Dundie, Mr Alexander Wedderburn younger, Robert Clayhills ; for Aberdeen, Mr John Mortimer ; for Stirling, Christopher Alexander ; for Sanct Andrewes, John Knox, Thomas Lenton ; for the Universitie of Sanct Andrewes, Doctor Bruce ; Bishops, all except Argile and Isles ; Ministers, Commissioners from Presbyteries.

In the morning, Patrick Bishop of Aberdeen preached a sermon upon Ezra vii. 23. Whatsoever is commanded by the God of heaven, let it be diligently done for the house of the God of heaven : for why should there be wrath against the realm of the king and his sons. The other sermon at

* The proceedings of this Assembly have been taken from Bishop Lindsay's "True Narration," &c. ; and from Calderwood's "Perth Assembly," and his printed and manuscript Histories.

ten hours was preached be John Archbishop of Sanct Andrewes, in the Little Church, on 1 Cor. xi. 16. But if any man seem to be contentious, we have no such custome, neither the churches of God.

The Sermon ended, the Archbishop of Sanct Andrewes came to the Table, at which his Majesties Commissioners, Noblemen, and other members of the Assembly, were sitting, and placed himself at the head of the table, in the Moderators chair beside his Majesties Commissioner.

After prayer, the Archbishop calling for the ordinarie Clerke of the Assembly, was answered, That Master Thomas Nicholson, who formerly served the Church in that place, had demitted his office in favour of Master James Sandelands Advocate: This he notified to the Assembly, as that which he had vnderstood before, and shewed that the said Master James was a man sufficiently qualified for the place, of good report, and one that by his education and pleading might further the particular businesse of Ministers before the Session. He desired the Assembly to consider what was fittest to be done, and advise whether they would receive the said Master James in the others place or not: The voyces of his Majesties Commissioners, the Noblemen, Bishops, and diuers of the Ministers being asked, they all without exception agreed to his receiving. And the said Master James being recalled (for while the voyces were asked, he was remoued) had an oath ministred vnto him, for his diligent and faithful discharge of that seruice.

The said Master James Sandelands being admitted, command was giuen to all that had interest in the said Assembly, to giue in their commissions to him before the next sitting; and nomination was made of certayn for the Conference, according to the order kept in other Assemblies; in which besides the Bishops, Noblemen, Barons, and Commissioners of Burrowes, the most wise and learned of the Ministrie were named indifferently, without any respect had of their opinions and private inclinations.

At this time it was moved by Mr George Grier, Minister at Hadington, That the libertie of the Church might be kept in the choosing of a Moderator; which the Archbishop of Sanct Andrewes repressed, saying to the proposer, That he did not expect him to be a trowbler of the Church, and the businesse thereof; and that the Assembly was met within the bounds of his charge, wherein so long as he serued, he trusted none would usurp; at which he kept silence: and straight wayes arose another, who asked whether all the Noblemen and Barons present should have voyce, or

not, and if the whole Ministers that were met there, should haue voyces also : The Archbishop of Sanct Andrewes answered, that the order obserued in former Assemblies should here be kept, and no Ministers haue voyce that lacked a commiſſion : But as for Noblemen, and Barons who were come thither vpon his Maiesties miſſiues, he trusted none there would denie them voyce, specially since in the Assembly that proceeded at Sanct Andrewes, it was one of the reasons they made for differring the conclusions of matters, That none of the Noblemen, or Barons were then present to assist the proceedings of the Church.

It was desired also, that the Articles to bee entreated, might bee extended in such forme, as his Maiestie desired them to passe, and that some might be set apart to collect the reasons that should be proponed, for, or against the Articles, that the whole Assembly might haue the cleerer information. To this it was answered, that the Conference was to consider of these things, and what might serue best to prepare matters for the whole Assembly.

The Archbishop commanded his Maiesties letter which was presented by Doctor Young Deane of Winchester, and directed to the Assembly, to be publickely read : The Tenor whereof followeth.

James Rex,

Right reuerend Fathers in God, Right trustie Cousins, and Counsellors, and others our trustie and welbeloued subiects, We greet you well : Wee were once fully resolved, neuer in our time, to haue called any moe Assemblies there, for ordering things concerning the policie of the Church, by reason of the disgrace offered vnto Us in that late meeting at Sanct Andrewes, wherein Our iust and godly desires were not onely neglected, but some of the Articles concluded in that scornfull and ridiculous forme, as we wish they had been refused rather with the rest : Although at this time We suffered ourselfe to be intreated by you our Bishops, for a new Conuocation, and haue called you together, who are now conuened for the selfe same businesse which then was vrged ; hoping assuredly, that you will haue some better regard of our desires, and not permit the unruly and ignorant multitude, after their wonted custome, to ouersway the better and more judicious fort ; an euill which we haue gone about with much paines to haue amended in these Assemblies, and for which purpose according to Gods ordinance, and the constant practise of all well gouerned Churches in all ages, Wee haue placed you that are Bishops and ouerseers of the rest in the

chiefeft roomes. You plead much, Wee perceiue, to haue matters done by consent of the Ministers, and tell Us often, that what concernes the Church in generall, should be concluded by the aduise of the whole, neither doe Wee altogether dislike your purpose : for the greater consent there is amongst your selues, the greater is Our contentment. But Wee will not haue you to thinke, that matters proponed by Us of that nature, whereof these Articles are, may not without such a generall consent be enioyned by Our authoritie : This were a misknowing of your places, and withall a disclayming of that innate power, which We haue by our calling from God, by the which Wee haue place to dispose of things externall in the Church, as Wee shall thinke them to be conuenient, and profitable for aduancing true Religion amongst our Subiects. Therefore let it be your care by all manner of wise and discreete perswasions to induce them to an obedient yeelding vnto these things, as in dutie both to God, and Vs, they are bound : And doe not thinke, that We will be satisfied with refuses, or delays, or mitigations ; and We know not what other shifts haue beene proponed : for Wee will content Ourselues with nothing, but with a simple and direct acceptance of these Articles in the forme by Vs sent vnto you, now a long time past ; considering both the lawfulnessse, and vndeniable conueniencie of them for the better furthering of pietie and religion amongst you. And it should haue rather becotted you, to haue begged the establishment of such things of Vs, then that Wee should thus neede to be put to vrge the practice of them vpon you. These matters indeede concerneth you of the Ecclesiasticall charge chiefly. Neyther would Wee haue called Noblemen, Barons, and others of our good Subiects, to the determining of them, but that Wee vnderstand, the offence of our people hath beene so much objected ; wherein you must beare with Vs to say, That no Kingdome doth breed, or hath at this time, more louing, dutifull, and obedient subiects, then Wee haue in that our native Kingdome of Scotland ; and so if any disposition hath appeared to the contrarie, in any of them, the same We hold to haue proceeded from amongst you : Albeit of all sorts of men, yee are they, that both of duetie were bound, and by particular benefits obliged, to haue continued yourselues, and by your sound doctrine and exemplarie life, kept others in a reuerend obedience to our commandements. What, and how many abuses were offered Vs by many of the Ministrie there, before our happie coming to this Crowne, though we can hardly quite forget, yet We little like to remember. Neither thinke We, that any Prince

living could haue kept him selfe from falling in vtter dislike with the Profession it selfe, considering the many prouocations that were giuen vnto Vs; but the loue of God and his truth still vpheld Vs; and will by his grace so doe vnto the end of our life: Our patience alwayes in forgetting, and forgiuing many faults of that sort, and constant maintaining of true Religion against the aduersaries (by whose hatefull practises We lie in greater perill then you all, or any one of you,) should haue produced better effects amongst you, then continuall resistance of our best purposes. Wee wish Wee be not further prouoked, and Gods truth, which you professe, of obedience vnto Principalities and Powers, bee no longer neglected, and slandered by such as, vnder the cloake of seeming holinesse, walk vnruely amongst you, shaking hands as it were, and ioyning in this their disobedience vnto Magistracie, with the vpholders of Poperie. Wherefore, our heartie desire is, that at this time you make the World see by your proceedings, what a dutiefull respect and obedience you owe to Vs, your Soueraigne Prince, and naturall King and Lord; that as Wee in loue and care are neuer wanting vnto you, so you in an humble submission vnto our so iust demands, be not found inferiour to others our subiects in any of our Kingdomes; and that the care and zeale of the good of Gods Church, and of the advancing of Piety, and Truth, doth chiefly incite Vs to the following of these matters; God is our Witnesse: The which, that it may be before your eyes, and that according to your callings you may strue in your particular places, and in this Generall Meeting, to do these things which may best serue to the promouing of the Gospel of Christ, euen our prayers are earnest vnto God for you: Requiring you in this and other things to credit the bearer hereof, our trustie Seruant and Chaplaine, the Deane of Winchester, whom We have expressly sent thither, that he may bring vnto Vs a true relation of the particular carriages of all matters, and of the happie euent of your Meeting, which by Gods blessing (who is the God of Order, Peace and Truth) Wee doe certainly expect; vnto whose gracious direction Wee commend you now and for euer.

Giuen at Theobalds, the 10 Julij 1618.

This Letter being once read, and again: The Archbishop protested that neither he, nor the Kirk of England had craved these novations, nor given counsell thereanent, and it was against his will that ever they were mentioned; yet that now he is perswaded, that his Majestie will be more glade

of the content of this Assembly to the five Articles, than of all the gold of India.

The Archbishop then desired Doctor Young to speake, if so hee had any thing to say for seconding the Letter, whereof he was Messenger. And his words were these that followes.

Most Honorable, most Reverend, right Worshipfull, and dearly beloned : It might well become me, according to the example of Elihu in the Historie of Job, in presence of so wise, so graue, so religious, and learned an Assembly, to wait in silence till the more ancient in years had spoken : but that I know that the Soueraigne Maiestie of our gracious Lord and Master the King, who hath regarded so much the lowliness of his seruant, as to send me vnto you at this time, to be the messenger of his will and pleasure, now openly read in your ears, will procure attention vnto a few words, which shall be vttered with the vprightnesse and sinceritie of a heart wholly deuoted, as vnto the glory of God, and honour of our great Master the King ; so to the happy, free, and flourishing estate of this Church and Kingdome, vnto which I am tyed by so many strong bands ; that Moses the friend of God, and Paul that chosen vessell of Christ, who are recorded in the holy Scriptures to haue exceeded in their affection to the people of Israel, their deare countrey men, did not in that owe more vnto them, then that which you all wel know I owe vnto you ; and would to God I were as able to pay so iust a debt, as I am, and euer shall be most ready and willing to acknowledge it ; *Hic amor meus pondus meum* : for from this loue and dutie I owe vnto this place of my first and second birth, (God hee best knowes) how the sorrowes of my heart haue bin enlarged, since the time of the last Generall Assembly at Saint Andrewes, to hear such words of indignation and iust displeasure, so often to proceed out of the mouth of so good and so gracious a Prince, like Moses the meekest man vpon the face of the earth : *Sed verendum etiam atque etiam quo exeat patientia tam saepe laesa* : Words spoken against these that are called to be Ministers, Embassadors of peace, and patternes of pietie and obedience ; vttered in the ears of them, who labour indeed, as it becommeth so loyall and louing subiects, by their humble and dutifull obedience vnto his sacred Maiestie, to outstrip those that went before them ; and albeit they haue the last, yet not to haue the least portion in our Davids loue. But as then with all good and well affected men I much grieved, so now I heartily rejoyce and praise God, that

notwithstanding of all that is past, I haue liued to see this day a Generall Synod once more of the Church of Scotland, called by the authority and expresse command and pleasure of our Soueraigne Lord the King, which is the only true and best meanes indeed, vsed in all ages for extirpating of all Sects, Errors, and Heresies, and for the planting of truth, and good order in the Church of Christ. And I pray God, that all things at this meeting may, by the direction of Gods good Spirit, and by your Wisdomes, be so carryed, that you abridge not your selues and posterity of so great a blessing, and procure that not only these things which are now required, but that other things more difficult bee enjoyned and enforced vpon you, vpon strict penaltie by Supreme Authority. And therefore I desire (as I am sent to that purpose) with the Apostle Titus 3. to put you in remembrance, that you bee subiect to Principalities and Powers, and that you bee obedient, and ready to euery good worke: to put you in remembrance, that, by the great blessing of Almighty God, you haue to doe with so wise, so potent, so religious, so learned a Prince, the matchlesse mirror of all Kings, the nursing Father of his Church; that he whose wisdom and authoritie is, in the compoling of all differences both Ecclesiastical and Ciuill, so much required, respected, and admired, not only by his own people of his other Kingdoms, but by all good Christians of forreine Nations throughout the Christian world, may not seeme to be neglected by you his native subiects at home; and you especially of the Ministerie, who ought to be examples and patternes of obedience vnto others, you whom he hath so infinitely obliged by his so great bountie and constant loue: To put you in remembrance, that as with no small disreputation vnto his Maiestie, and diminution as it were of his princely authoritie, in the iudgment and sight of the world, whose eyes are bent vpon these proceedings, he hath granted you so long time, by your Christian and godly endeouours with your severall flocks (whom you are to leade, and not to be led by them) to remove (as you promised both to his Majesty being here amongst you, and againe confirmed at your last Generall Synod,) all those scandals, which might be taken by the more ignorant and vnaduised sort of your people, to whom all innouations, though to the better, may seeme at the first somewhat strange: so that now you would bee carefull, as much as in you lyeth, to take away that more dangerous and open offence and scandal, which by your delay, and refusal of obedience, you shall cast vpon the sacred person of our Soueraigne Lord the King, the most constant and zealous Protector and Defender of that Faith and Truth, which wee all professe, and for the which

he hath suffered such open gaineſaying of the aduerſaries thereof, the limbes of Antichriſt; as if hee, who hath laboured ſo much to exalt the glorie of this Nation farre aboue all his predeceſſours in the eyes of the World, now going about moſt of all to humble vs vnto our God, and in the performance of the Act of greateſt deuotion, according to his owne example, to bring vs vnto our knees, did in ſo doing any way vrge his ſubiects to any thing, which might ſauour of Superſtition or Idolatrie: To remoue the ſcandall from thoſe who are in authority amongſt you, and are ſet ouer you in the Lord, who by their dutifull obedience vnto God, and their Soueraigne, haue alreadie, both by their doctrine and practice, commended thoſe things, which now are required of you, to be both lawfull and expedient: To take away that ſcandall and aſperſion, which by the ſeeming reaſons of your former refuſall, or delay, you haue caſt vpon others ſo glorious reformed Churches, as if the Holy Ghoſt, and Spirit of reformation had bene giuen onely to, and ſolely reſted vpon you: To remoue that notorious and publique ſcandall, which by the fierie and turbulent ſpirits of ſome few priuate men, lyeth heauiſe vpon the ſeruent and zealous Profeſſours of the glorious Goſpel of Chriſt, as if they alſo were diſobedient vnto Magiſtracie, and in this did ſeeme to ioyne hands with the maine vpholders and pillars of Poperie. It hath wounded the ſpirits of good men to hear it often ſpoken, *Nec dicatur (utinam amplius) Gathi, et in plateis Aſkelonis*; nay to ſee it in print, that Herod and Pilate were now reconciled again, if not contra Chriſtum Dominum, yet contra Chriſtum Domini: Laſtly, to preuent that lamentable miſerie and calamitie, which God in his iuſtice might bring vpon this Church, in that you regarded not the bleſſed time of your viſitation, and deſpised the long ſuffering and great goodneſſe of God, and of ſo bountifull and gracious a Soueraigne. And ſo to conclude, (for to ſtand now vpon particulars were but actum agere, and you need no gleanings after ſo plentifull an harveſt, or the light of a candle being inlightned by the cleare beames of the ſunne,) with that of Naamans ſeruants, *2 Kings 5.* vnto their Lord and Maſter: Father, if the Prophet had commanded thee a greater matter, ſhoudeſt thou not haue done it? &c. So, right reuerend Fathers and Brethren in Chriſt, if our moſt gracious Soueraigne Lord, who hath done ſo much for you, had commanded you greater things, ſo long as they might ſtand with the will of God, and in no waies be repugnant vnto the ſame, (for in that caſe indeed, the Apoſtles rule holds inuiolably true, *δὲι πειθαρχεῖν θεῷ μᾶλλον ἢ ἀνθρώποις*, that we muſt rather obey God, then men) ſhould you

not haue beene readie yourselues, and by your doctrine and practise haue induced others to obedience? much more then, when he requireth of you but these few necessarie things, necessary and expedient for the glorie of God, for the aduancing of pietie amongst you; for the honour and due satisfaction vnto our Soueraigne Lord the King; for the happy establishing of order, peace, vnion, and loue amongst your selues, and in these vnited Kingdomes. Therefore let me beseech you in the bowels of Christ to giue all their due, *Quæ Cæsaris, Cæsari, quæ Dei, Deo.* And as Constantine the Great (as Eusebius hath it) wrote vnto his Churchmen, that troubled his peace and other weightie affaires, with their contentious humours; so let me intreat you in the behalfe of our Constantine, *Qui dum rogat, iubet: Date illi dies tranquillos, et noctes curæ et molestiarum expertes*; that so he may with much ioy and contentment of heart, yet once more, as he proposeth, if not often, visit your coasts, and those places which his soule loueth; and that this poore Church, and his natie Kingdome, may be made euer more and more happie by his comming, and long, peaceable, and prosperous reigne: And God and men say Amen vnto it. Amen: Amen.

The Ministers defenders of the established order, required four things.

1. That none be admitted to vote, but such as were authorized by lawful Commission. The Archbishop answered, his Majesty had written to Noblemen and Barrones, willing them to be present at this Assembly: If any man had any exception against them, they should be heard. It was replied, that they were not to except against their honorable persons or presence; but earnestly to crave, that the order of the Church might be observed, whereby it is provided, that without Commission none have place to vote in General Assemblies.

2. That the libertie of the Church be not broken in the election of the Moderator, and that a lawful leet be made to that effect. It was answered by the Archbishop, that this Assembly is convocat within the bounds of his Diocie; he would understand, who would take his place over his head.

3. That the Articles, proposed in short and general summes, might be put in forme, and amply extended, as his Majesty would have them enacted, that they be the better advised on and considered. The Archbishop answered, let alone these toyes, trouble us not with needles questions; we shall speak of these things in the Prvie Conference.

4. That some of either opinion may be set apart to collect, and put in order the reasons of either side, for the more sure and easie information of the Assemblie. The Archbishop rejected this also, as impertinent.

The Archbishop proceeded to the nomination of the Privie Conference, before that the Clerk had received the Commissions.

There was chosen to be upon the Privie Conference, the Kings Commissioners, and Affessors, the Erle of Lothian, the Lord Ochiltry, the Lord Sanchar, the Lord Boyd : Barons Waughton, Weymes, Balcolmie, Bogie, Clunie, Glenvrquhart, Balcarras, Lagge, Balmanno, Bonintoun : Ministers, Mr Patrick Galloway, Mr Henry Blyth, Mr John Weymes, Mr George Grier, Mr John Carmichael, Mr William Scott, Mr Alexander Gladestanes Archdean of Sanct Andrewes, Doctor Philip, Doctor Strang, Doctor Bruce, Mr John Hay Parson of Ranfrew, Mr Thomas Muirhead, Mr Michael Wallace, Mr Thomas Ramfay, Mr James Knox, Mr Robert Henrison, Mr John Guthrie, Mr John Malcolm, Doctor Forbess, Mr George Dowglafs, Mr Patrick Dumbar, Mr James Bishop, Mr George Chalmers, Mr James Simfon, Mr Robert Sommer, Mr David Lindfay, Mr David Monro, Mr Archbald Moncrieff, Mr James Burdoun, Mr John Mackenzie, Mr John Mitchelson, Mr Patrick Shaw, Mr James Hammilton Dean of Glasgaw, Doctor Hammilton : The Commissioners of Edinburgh, Perth, Dundie, Aberdeen, Glasgaw : And all the Bishops.

After the said nomination, the Conference was appointed to convene at three afternoon ; and the Assembly at eight hours to-morrow morning.

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[Tuesday at afternoone.]

The Conference convened at three afternoon. After Prayer, the Kings Letter was read againe. Then the Archbishop requested them to consider, by what means matters might most easily be brought vnto a point. He said that there appeared but two wayes : One whereof was by disputing the Articles, which was likely to consume a long time, and breed irritation, rather than any contentment else : The other was by a calme and wise consultation to consider how the said Articles might be received in all the Churches with least offence, and conclude the same ; specially since they

had promised in the last Assembly to resolve themselves and others, of the equitie of the points required ; and which they like best, he desires them to choofe.

He affirmed, that four Articles were already concluded in the Assemblies holden last at Aberdeen, and Sanct Andrewes, howbeit not in forme as his Majesty required ; and that kneeling only rested to be consented to. To prove his allegiance, a minute was read, containing the points conferred on at the places foresaid, and no farther evidence was produced. He added that his Highness altogether refused the cautions and conditions added by the said Assemblies, as frustrations of his intention. He affirmed his Majesty was still offended at the Assembly holden at Sanct Andrewes : for removing of that offence, he would have had the Article of kneeling put to voting in the Conference without reasoning.

The greater part esteeming, that such as were contrary minded, would never receive satisfaction, vlesse matters were first reasoned ; and that it should bring a fore imputation vpon the Assembly to conclude any thing, which had not been first debated by arguments, vrged the disputing of the Articles, which was of the rest condescended vnto. Then it being proponed, if they would take the said Articles in order, or beginne with the most controverted, they agreed vniformly to treat of kneeling at the receiuing of the holy Sacrament in the first place, hoping that satisfaction being giuen in that Article, the lesse scruple should be made to the rest.

So according to the order, two were named to dispute that Article, to wit, Doctor Henrie Philip and Doctor William Forbes for the one side ; and Master William Scot and Master John Carmichael for the other : These two last named, after a graue protestation made of their unwillingness to be heard opposing to any matter, for the which his Maiestie seemed so earnest, excused themselves by the necessity of the commandment, and their owne resolutions, which they held to bee well grounded, wishing that no offence might be taken at their speeches, which they should be carefull of, and say nothing but with that reuerence which become them in so honourable an hearing. And then adding, that the contrary order had bene long kept in this Church with great profit, and the comfort of many good Christians : if now any would preasse to abolish that which had been in force, and draw in things not yet receiued, they bee holden to prooue, eyther that the things vrged were necessary and expedient for our Church ; or the order hitherto kept, not meet to be retained. And for this purpose

they alleadged a passage of Master Hooker, in his Preface before the Bookes of Ecclesiasticall Policie, wherein hee craues, that such as seeke the reformation of Orders Ecclesiasticall in the Church of England, should content themselues with the opponents part, and be subiect to prooue these two things mentioned. It was replied, that the difference of their case and ours was great: for there a few priuate men desired the Laws publickely established to bee inuerted, and it was good reason, that such should bee put to their confirmation of what they proponed: but heere the Prince, that by himselfe had power to reforme such things as were amisse in the outward policie, required to haue the change made: and therefore it concerned them to bring reasons, why his Maiesties propositions ought not to bee granted. This they declined for a great while, still protesting the reuerence they beare to his Maiesties commandments; and without mentioning that which they would not oppose in Theli, they wished this question to be reasoned: Whether kneeling, or sitting at the Communion were the fitter gesture.

It was answered, that the question could bee no other wayes proponed then thus: His Maiestie desires our gesture of sitting at the Communion to be changed into kneeling: Why ought not the same to be done? If it could bee shewed by the Word, or by any necessary consequent deduced out of the same, that his alteration craued, ought not to bee granted, because impious or vnlawfull, that should be enough humbly to decline the desire: and if otherwayes they could bring no argument to the contrary, a necessitie lay vpon vs to obey.

An houre or more was spent in such speeches, they declining still to giue any argument, and offering themselues to answer such reasons, as any man would propone for the alteration desired: whereupon the Archbishop of Saint Andrewes said, that if none would reason, he would put the Articles to voyces.

Then they proponed, that reasoning should bee publicke, and in face of the whole Assembly: It was replied, that nothing should be in Conference concluded to the preiudice of the Assembly; alwayes matters must first be brought to some point in the Conference, and thereafter proponed to the whole number, who should be heard to reason of new, if he listed.

Hereupon they resolved to fall into dispute, and first, Master John Carmichael brought an argument from the custome and practice of the Church of Scotland, which had beene long obserued, and ought not to be altered,

except the inconuenience of the present order were shewed, and the desired gesture qualified to bee better. It was answered, that howeuer the argument held good against the motions of priuat men, yet his Maiestie requiring the practice to be changed, matters behoued to admit a new consideration ; and that because it was the Prince his priuiledge, that had the conseruation and custodie, as well of the Church, as of the Commonwealth, to call in question Customes and Statutes which he perceiued to breed any inconuenience in the state, euen by himselfe, it could not bee denied, that in a Church Assembly, such as that was, his Maiestie might lawfully craue an innouation of any Church Rite, which hee esteemed not to be conuenient for the time.

From this argument, they went to another of Christ and the Disciples sitting at the first institution ; in discussing whereof, they were brought to acknowledge the gesture not to bee of the essence of the Sacrament, but alterable at the discretion of the Church : Only they held the custome formerly receiued to bee the better.

This was the proceeding of the first Conference, wherein because matters could not be brought to any point, continuation was made to the morrow after, and they warned to meete again at eight of the cloke in the morning.

Wednesday the 26 of August.

The Conference being met as was appointed, after inuocation of the Name of God, the Reasoners were desired to proceed where they had left the night before, and not to trifle time with speeches of small consequence. The reasoning continued from eight vnto eleuen of the cloke. And when the whole reasons proponed by the two forenamed, were in the iudgement of all men satisfied ; others were required, and had place giuen them to propone their arguments also, which was done in good order, and with such modestie as could be wished.

The Archbishop desired these of the Conference, to giue their iudgement in the matter reasoned. They opponed, that the custome was not to vote in Conference any matter, before it were brought to the full Assembly ; but it was proued otherwise by these who had frequented the Assemblies, both of old and in the latter times ; as likewise it was told them, that these

Conferences resembled the meeting of the Lords of Articles in Parliament, where matters are accustomed to bee prepared and put in order, before they bee proponed to the whole State: and that the voting in Conference was by way of aduice onely, and not to determine; the power whereof belonged onely to the Assembly. This being acknowledged by the whole number to bee so, they offered that were present, to giue their owne iudgement without preiudging the Assembly; as accordingly they did: The whole number, some ten or eleuen excepted, declaring that by the reasons proponed, or any thing else they conceiued, they could not deny, but a change might bee made of the gesture in receiuing the holy Sacrament; and that it seemed conuenient for the Church to embrace the Article proponed by his Maiestie about kneeling, in regard of his desire and resolution to haue the same forme here established.

After the aduice concluded to bee giuen to the Assembly in this point, it was thought meet, that the Article presently reasoned, with the other Articles proponed by his Maiestie, should all of them be formed in the best and most agreeable words that could be deuised, for remouing all offence that might bee taken at the same, and no aduantage giuen to the aduersaries of the Truth: and to this effect were named some graue and wise Brethren, who were desired to haue the same in readinesse at four of the clocke in the afternoone; it being thought meet, that the full Assembly should not meet before Thursday again, at which time all might be prepared.

Wednesday at afternoone.

Albeit the meeting of the full Assembly was deferred to the next day, yet that afternoone, the whole number thronging in, whether that they were not aduertised of the delay, or that they desired to bee present with the Conference, came thither; which the Archbishop perceiuing, he tooke occasion to excuse the delay of meeting with them, declaring how farre they had proceeded, and that the Conference had committed the Articles to bee formed vnto certayne Brethren, who were at that time to present them; and therefore desired they should haue patience till the morrow, and leaue the Conference for that time by themselves, which they did.

How soone they were remoned, these who were appointed to forme the Articles, being inquired what they had done, answered, That they had

formed the Article about kneeling, but had no leifure to confider of the reft : This being read, which they had put in forme, was well liked of, and they required to haue the reft in readineffe at the time of the Affemblies meeting the next day.

The reft of that afternoone was fpent in the deuifing of fome overturre for the restraining of Simony, to bee proponed to the whole Affembly, which the next day after was by vniuerfall confent allowed : As likewife, the Commiffion for the planting of the Church of Edinburgh ; and the forming of the Booke of Common Prayers ; and extracting of the Canons of the Church. And thus ended this Conference.

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Thurfday the 27 of Auguft.

That day being an ordinary day of preaching, a Sermon was made by the reuerend Father in God William late Bifhop of Galloway.

The Affembly being met in full number, to take fome conclufion in the bufineffe, for which they were conuened, after innocation of the Name of God, it was declared vnto them, that by the labours of the Conference in their private meetings, the Articles proponed by his Majeftie were brought and reduced into that forme, as it refted for the Affembly to confider, whether or not the fame fhould be receiued in our Church ; and to moue them the rather to condefcend, his Maiefties refolution to haue the Articles receiued, was declared, and how no other anfwere could fatisfie, but granting of the faid Articles. They were likewife remembered of their promifes made to his Maiefties felfe at Saint Andrewes, and in the laft Generall Affembly, and had the lawfulness, and indifferencie of thefe matters at length of new expounded vnto them ; neither was any of their common pretexts left vnanswered, place being giuen to all that would reafon againft any one of the Articles, to doe the fame. And while fome of them infifted by long fpeeches to haue a continuation made of matters to another Affembly, and a fupplication fent to his Majeftie for fome longer delay, his Highneffe Commiffioners hauing vrged a prefent anfwere, they were defired to ceafe, and not to trifle time with vnneceffary fpeeches, feeing matters fhould receiue decifion before they went forth of doores.

Doctor Lindfey his anfwere, being pofed on confcience to declare his

iudgement touching kneeling at the Sacrament, was this, On my conscience I neither know Scripture, reason, nor antiquitie, that enforceth kneeling, sitting, standing, or passing, as necessary; but thinke them all indifferent: and therefore, that any of them may bee lawfully vsed, when it is found expedient. And considering nothing to be more expedient for the weale of our Church, then to keepe peace with our gracious Soueraigne, and not to contend for such matters, I iudge, yeelding to his Highnesse delire to bee the onely best.

The Ministers with modest importunity insisted, that the matters depending might be better cleared by farther reasoning and advisement, so much the rather because these matters had not been reasoned in full Assembly, for the information of all these that had interest. And suppose all this had been done in the Conference; yet all was new to the full Assembly, and ought to be repeated and fully discussed for information of all voters. Many Ministers had not so much as access to hear or propone one argument. They had no seats provided for them as the other party had. After much dealing, and many earnest speeches and desires to be heard, liberty was granted to a few, but with such checks and limitations to the party that pressed to propone and reason, that quickly they were cut off, and sourly rebuked; rather borne down with authority, than satisfied with reason. His Majesties chief Commissioner, Secretary Hamiltoun, and the Archbishop straitly enjoyned them, either to propone a new reason, or else to hold their peace, when as the argument had either not been proponed in Conference, or if proponed not answered; or if answered, not suffered to be replied to. In a word, the Archbishop professed plainly, that neither their reasons nor their number should carry away the matter. These Articles must be concluded, and should be concluded; although there were none but the eleven Bishops, with the authority of his Majesties Commissioners, they shall impose them. Some velitation there was about holy dayes; but nothing spoken of the three other Articles. The Kings chief Commissioner and the Bishops resolved to end all at this Session.

The Ministers not being permitted to reason, and pursue their arguments verbally with such liberty as was requisite, and fearing prejudice in voting, gave in some Articles in writt, to be considered before the five Articles were put to voting, professing they were ready to present in writt particular reasons against every one of the said Articles. The presenter Mr John Scringour Minister at Kinghorne was commanded to subscribe them, and

was rebuked as not having Commiffion. They fufpected he was to prefent a Proteftation againft the proceedings of the Affembly; for preventing whereof they had declaimed before againft the Proteftation, fubfcribed at the laft Parliament, as treafonable and feditious. But when he was perceived to feek a pen to fubfcribe, the Archbishop received them out of his hands, and defired the Clerk of the Affembly to read the fame. Two of them were read, and when they were perceived to contain no matter of moment, or any new thing, which had not been before talked of, they were caft by, as not deferving any confideration.

The Articles prefented to the Affembly, Auguft 27. With fome quotations, added for confirmation.

For as much as we haue been debarred of acceffe, and from hearing the proceedings of the Conference, their reasonings, confultations and aduifements, anent the Articles proponed to this General Affembly; whereof all, and euery one of them fo nearly touches vs, in our Chriftian refolution, and offices of our Miniftry: in moft humble manner wee prefent to your confideration the particulars hereafter fpecified, in the feare of God, intreating your favourable anfwere to the fame.

1. The articles proponed, if they be concluded, they doe innouate, and bring vnder the flander of change the eftate of this Church, fo aduifedly eftablifhed by Ecclefiafticall Conftitutions, Aëts of Parliament, approbation of other Kirks, and good liking of the beft reformed Kirks without and within this Kingdome, and fo euidently bleffed with happy fucceffe, and fenfible experience of Gods greateft benefits, by the fpace of fiftie eight yeares and aboue; fo that wee may boldly fay to the praife of God, That no Church hath enjoyed the truth and puritie of Religion in larger libertie. And vpon fome fuch confiderations, it pleaſed his gracious Maieſtie to continue the Church of England in her eftablifhed eftate, as may bee feene in the Conference at Hampton Court, and Thomas Sparke his booke written thereupon. *Ipfâ quippe mutatio, etiam quæ adiuvat vtilitate, nouitate perturbat: quapropter quæ utilis non eſt, perturbatione infructuoſa confequenter noxia eſt*, faith Auguſtine, *Epift. 118.* that is, Euen a change that is helpfull for vtilitie, perturbeth with the noueltie: Wherefore, confequently, a change that is not profitable, is noyſome through fruitleſſe per-

turbation. Rather a Church with some fault then still a change, it is said in the Conference at Hampton Court.

2. The receiuing againe of these Articles so iustly reiected, and so carefully and long kept forth of this Kirk, grieueth the reformed Professours tenderly affected to our reformation, and giueth occasion to our aduersaries to reprove our separation from them, of rashnesse, leuitie and inconstancie; and not only hindereth their conuersion, but strengthneth their hope of our further conformitie with them. Quoties non mutarunt suam quisque sententiam? Quod aedificant hodie, cras destruunt; hodie lapidem locant in fundamentum, caementoque confirmant, quem postero die erunt et conterunt. Ubique revocationes, emendationes, novi foetus, aliae atque aliae, quoties nova sententia placet, assertiones: alius deturbat alium, confusio confusio permiscetur; atque interim scinditur incertum studia in contraria vulgus. Nec adhuc cernimus aliud; et quis nisi mente captus dicat, istiusmodi artifices reaedificare Ecclesiam Dei; quibus omnia incerta, fluxa, instabilia, contraria; quibus nulla dogmatum constantia, nulla animorum consensio? Antididagma Coloniens. Pag. 4. That is, How oft have they not changed every one their opinion? That which they build to day, they demolish to morrow: They place this day a stone for a foundation, and make it sure with mortar, which they pull up the day following, and bruiſe in pieces. Every where there is revocations, corrections, new births, diuerſe assertions, as oft as a new opinion pleaseth any of them; one throweth down another; confusion is mingled with confusion; and in the mean time the doubtful vulgar are ſeuered in contrary factions. Neither yet doe we perceive any other thing: And who will ſay, except ſuch an one is beſide himſelf, that ſuch artiſans reedifie the Kirk of God, to whom all things are uncertain, flowing, unſtable, contrarious, who have no conſtancy in the heads of Doctrines, no conſent of minds?

3. They cannot ſtand in one profeſſion with brotherly kindneſs, peace, and loue, which muſt bee tenderly kept amongſt the members of Chriſts body, as the ſame conſiſteth of ſtronger and more infirme; as may appeare in the Apoſtolickall Rules following. 1. All things are lawfull to me, but all things are not profitable. I may doe all things, but I will not be brought vnder the power of any thing. 2. Let every man be fully rewarded in his own minde. 3. Whatſoeuer is not of faith is ſin. 4. Let every one vnderſtand according to ſobriety, as God hath dealt to every man the meaſure of faith. 5. Take heed, leſt by any means this power of yours be

an occaſion of falling to them that are weak. 6. Through thy knowledge ſhall thy weak brother fall, for whom Chriſt died. 7. When ye ſin againſt the brethren, and wound their weak conſciences, ye ſin againſt Chriſt. 8. Whatſoeuer ye do, do all to the glory of God. 9. Giue no offence, neither to the Jew, nor to the Grecian, nor to the Kirk of God. 10. Pleaſe all men in all things, not ſeeking your own profit, but the profit of many, that they may be ſaved. 11. Cauſe not your commodity to be evil ſpoken of. 12. Let all things be done honeſtly, and in order. Things indifferent (put the caſe mans inventions were of that nature) in the caſe of ſcandal, ceaſe to be indifferent, and are as things moral. Perkins Gal. 2. 3.

4. They giue way to humane inuentions, and bring the wrong key there, of mans wit and will, within the houſe of God, whereby toyes and triffling ceremonies in number and force are multiplyed, as mens wits are variable to inuent. Who requireth theſe things at your hands?

5. The admitting of ſome openeth the doore to the reſt, and the multitude of ſuch make vs inferiour to the Jewes in two reſpects. 1. Their ceremonies were all diuine. 2. In number fewer then rituall Chriſtians do obſerue betwixt the Paſche and the Pentecoſt. Geron complyneth, *Quod multitudine leuiſſimarum ceremoniarum vis omnis Spiritus Sancti, quem in nobis vigere oportuit, et vera pietas fit extincta*: That with the multitude of fruolous ceremonies, true pietie was extinguiſhed, and the force of the Spirit, which ought to be epowerfull in vs. Jewel. Apollog. p. 116. *Sed quamvis hoc neque inveniri poſſit, quomodo contra fidem ſunt, ipſam tamen Religionem fervilibus oneribus premunt, ut tolerabilior fit conditio Judaeorum, qui, etiamſi tempus libertatis non agnoverint, legalibus tamen ſarcinis, non humanis praefumptionibus ſubjiciuntur*. Auguſt. Epift. 119. Howbeit it cannot bee found, how they are contrary to the faith; yet they preſſe downe Religion it ſelfe with ſervile burthens, ſo that the eſtate of the Jewes is more tolerable, who, howbeit they did not acknowledge the time of their liberty, are ſubieſt notwithstanding to the burthens of the Law, not to the preſumptions of man. Quanto magis accedit cumulo rituum in Eccleſia, tanto magis detrahatur non tantum libertati Chriſtianae, fed et Chriſto, et ejus fidei. Confefs. Orthod. Cap. 27. that is, The more that the heape of rites and ceremonies in the Kirk increaſeth, the more is derogated, not onely from Chriſtian libertie, but alſo from Chriſt, and his faith. Learned and graue men may like better of the ſingle forme of Policie in

our Kirk, then of the many ceremonies of the Kirk of England. Epist. before Basilicon Doron.

6. They hinder edification; for how much time and zeale shall bee spent vpon the inbringing and establishing of these, as much leilure and opportunity shall Satan get to sow and water the tares of atheism, schisme, popery, and dissention. Consider the sentences following. 1. Let us proceed by one rule, that we may mind one thing. Phil. 3. 16. 2. Let us follow the truth in loue, and in all things grow up in him, who is the head, that is, Christ. Ephes. 4. 15. 3. Give no place to the Devil. 4. If ye be otherwise minded, God shall reveal the same to you. 5. Feed my sheep. 6. Take heed unto yourselves, and unto the flock. 7. Let no root of bitterness spring up to trouble you. 8. Fulfill my joy, that ye may be like minded, having the same loue, being of one accord, and of one judgement, that nothing be done through contention and vain glory; but that in meekness of mind every man esteem other better than himself. 9. Do all things without murmuring and reasoning. 10. It was needfull for me to write unto you, that ye should earnestly contend for the faith which was once delivered to the Saints. 11. While men sleept the enemy came, and sowed his tares among the wheat, and went his way.

7. Matters of that nature bring ineuitably with them disputations, divisions, contentions, as may be seen in all Kirks, where such coals of contention get entrie. The Pascha of the Primitive Kirk, the Interim of Germany, the rent of the Kirk of England, our own experience since the strife of the External Gubernation began among us, &c.

8. They bring a sensible blot, either vpon the happie memory of our godly and wise predecessors, in so farre as wee depart from that reformation, so wisely brought in, appointed and established by them; or else vpon our selues, by resuming againe of dangerous superfluities, without reason, reiected by them for weighty and necessary causes. *Magnum est hoc Dei munus, quod una et Religionem puram, et eutaxiam, Doctrinae videlicet retinendae vinculum, in Scotiam intulissis: Sic obsecro et obtestor, haec duo simul retinete, ut, uno amisso, alterum non diu permanere posse semper monueritis.* Beza Epist. to Mr Knox. This is a great benefit of God, that ye haue brought into Scotland true Religion, and good order, the band that retaineth Doctrine, at one time: So I beseech you and obtest, that you retaine these two together; so that ye remember, that if the one be lost, the other cannot long endure. And again he saith, *Quam recte*

illud, quod disciplinam simul cum doctrina conjungitis : Obsecro et obtestor ut ita pergatis, ne vobis idem, quod tam multis, eveniat, ut qui in limine impeerunt, progredi non possint ; imo etiam interdum ne velint quidem, quod longe miserrimum est. How well was that done, that yee conioyned doctrine and discipline together. I beseech you, and obtest, that yee goe forward, lest it happen to you, which has befallen to many that could not make a progresse, having stumbled in the very entry ; yea sometime were not willing, which is most lamentable.

9. They fet loose the filthy mindes and mouthes of fleshly liuers, to triumph against the most sound and best reformed Professors, and to rejoyce in their rotten opinions, and restored opportunities of sensual obervations of guising, gluttony, carrells, &c.

10. They are declared by this Church to bee contrary doctrine, as may bee seene in the first, second, and third Chapters of the first booke of Discipline, in these words : We iudge that all doctrine repugnant to the Euangell, should bee vtterly suppressed, as damnable to mans saluation. In the books of the Old and New Testament we affirm that all things, necessary for the instruction of the Kirk, and to make the man of God perfect, are contained and sufficiently expresse. By contrary doctrine, wee vnderstand whatsoeuer men by Lawes, Councells, or Constitutions, haue imposed on the consciences of men, without the expresse commandement of Gods Word, as keeping of holy dayes commanded by man, the feast of Christmase, and other feasts, &c.

11. The Commissioners of Presbyteries here assembled, sufficiently understand, that neither the Presbyteries, from whom they have their Commissions, nor the particular Churches of this Realme, either require, are willing, or consent to admit these novations. *Constituntur Theologi, nil esse per Synodos Ecclesiis inuitis obtrudendum.* The Diuines confesse, that nothing should be obtruded vpon Churches by Synods, against their will.

12. The Commissioners of Presbyteries here assembled, vnderstanding the alienation of them, from whom they received their Commission, from these Articles, can by no warrant bind nor oblige their vnwilling Presbyteries and Congregations to their votes. *Ecclesiam dissentientem et inuitam obligare quis potest ?* Who can binde a Kirk dissenting and vnwilling ?

13. There stand in force diuerse Acts of Parliament in fauours of our present order, Jacob. 6. Parl. 1. cap. 8. Ja. 6. Parl. 6. cap. 68. and cap. 69. Item, the first Act of the Parliament 1592.

14. The Ministers of this Church, by order of the same printed and inserted before the Psalme Booke, at their admissions respectiue, promise in the presence of God, and of the Congregation assembled, to abhorre and vtterly refuse all Doctrines alledged necessary to saluation, that is not expressly contained in the Old and New Testament; and according to the graces and utterances that God shall grant to them, to profess, instruct, and maintain the purity of the Doctrine contained in the sacred Word of God; and to the uttermost of their power to gainstand and convince the gainfayers, and teachers of mens inventions. Item, To submit themselves most willingly to the wholsome Discipline of this Kirk, by the which they were then called to their office and charge, promising in Gods presence obedience to all admonitions, secretly or publickly given, &c.

15. The Subscribers of the Confession of Faith be their oath therein contained, promise and sweare to continue in the obedience of the doctrine and discipline of this Church, and to defend the same according to their vocation and power all the days of their liues, under the pains contained in the Law, and danger both of body and soul in the day of Gods fearful judgment: and to abhorre and detest all contrary religions; but chiefly all kind of Papistry in general, even as they are now damned and confuted by the Word of God, and Kirk of Scotland: but in special the Popes five bastard Sacraments, whereof Confirmation is one; with all rites, ceremonies, and false doctrines, added to the true Sacraments without the Word of God; his absolute necessity of Baptism, &c. Which Confession, and practice following thereupon, is come to the eyes of the World in print, and solemnly renewed in the Covenant celebrated in the General and Provincial Assemblies, Presbyteries, and Kirk Sessions, in the year of God 1596. And how shall any man be heard to speak against that whereunto he hath formerly sworn and subscribed?

The Ministers most humbly and earnestly requested the Kings Commissioners, that the concluding of the Articles might be continued, till their reasons were sent in writt to his Majesty, and his answer returned. But their humble request was refused.

Before the roll was called, his Majesties Letter was read againe in open audience of the Assembly; to the end they might see his earnestness about the same matters, and the last impression might incline the voters to consent.

The Ministers, defenders of the established order, required again, that none might have place to vote, but such as were authorized with lawfull Commission. But this order was not admitted: Yea, the Archbishop answered, that if all Scotland were present there, they should vote.

It was desired by some, That the Articles might be severally voted, as many would agree to some of them, who would not accept of all: But it was thought meetest to vote them in cumulo, because the denying of one would be to his Maiestie, as the denying of all.

The Archbishop took the roll of the names in his own hand from the Clerk. First, were called the Kings Commissioners and the Assessors; then the Noblemen, Bishops, and Barons; then the Doctors and Ministers; and last of all the Burgeses.

In end, by plurality of votes the five Articles were concluded.

1. Seing we are commanded by God himself, that when wee come to worship him, we fall down and kneel before the Lord our Maker; and considering withall, that there is no part of divine worship more heavenly and spiritual, then is the holy receiving of the blessed body and blood of our Lord and Saviour Jesus Christ; like as the most humble and reverend gesture of the body, in our meditation and lifting up of our hearts, best becometh so divine and sacred an action: Therefor, notwithstanding that our Kirk hath used, since the Reformation of Religion, to celebrate the holy Communion to the people sitting, by reason of the great abuse of kneeling used in the idolatrous worship of the Sacrament by the Papists: yet now seeing all memory of by past superstition is past; in reverence of God, and in due regard of so divine a mystery, and in remembrance of so mystical an union as we are made partakers of, the Assembly thinketh good, that that blessed Sacrament be celebrat hereafter meekly and reverently upon their knees.

2. Item, If any good Christian visited with long sickness, and known to the Pastor, by reason of his present infirmity, unable to resort to the Kirk for receiving of the holy Communion; or being sick shall declare to the Pastor upon his conscience, that he thinks his sickness to be deadly, and shall earnestly desire to receive the same in his house, the Minister shall not deny to him so great a comfort, lawfull warning being given to him the night before; and that there be three or four of good religion and conversation, free of lawfull impediments, present with the sick person, to com-

municat with him ; who must also provide a convenient place in his house, and all things necessary for the reverend administration thereof, according to the order prescribed in the Kirk.

3. Item the Minister shall often admonish the people, that they deferre not the baptizing of infants any longer then the next Lords day after the child be borne, unless upon a great and reasonable cause declared to the Minister, and by him approved : As also they shall warn them, that without great cause they procure not their children to be baptized at home in their houses. But when great need shall compell them to baptize in privat houses, (in which case the Minister shall not refuse to doe it, upon the knowledge of the great need, and being timely required thereto,) the baptism shall be ministred after the same forme, as it should have been in the congregation : and the Minister shall the next Lords day after any such privat baptism, declare in the Kirk, that the infant was baptized, and therefore ought to be received as one of the true flock of Christs fold.

4. Item, For as much as one of the most special means for staying the increase of Popery, and settling of true Religion in the hearts of the people is, that a special care be taken of the trial of young children their education, and how they are catechized ; which in time of the Primitive Kirk was most carefully attended, as being most profitable to cause young children, in their tender years, drink in the knowledge of God and his religion ; but is now altogether neglected, in respect of the great abuse and errors which creept into the Popish Kirk, by making thereof a Sacrament of Confirmation : Therefor, that all superstitions builded thereupon may be rescinded, and that the matter itself being most necessary for the education of the youth, may be reduced to the primitive integrity, it is thought good, that the Minister in every paroch shall catechize all young children of eight years of age, and see that they have the knowledge, and be able to make rehearal of the Lords Prayer, the Belief, and ten Commandments, with answers to the questions of the small Catechism used in our Kirk : And that every Bishop in his visitation shall censure the Minister, who shall be found remiss therein ; and the said Bishops shall cause the said children to be presented before them, and bless them with prayer for increase of their knowledge, and continuance of Gods heavenly graces with every one of them.

5. Item, As we abhor the superstitious observation of Festivall dayes by the Papists, and detest all licentious and profane abuse thereof by the com-

mon fort of professors ; so we think, that the inestimable benefits, receivit from God by our Lord Jesus Christ his Birth, Passion, Resurrection, Ascension, and Sending down of the Holy Ghost, were commendably and godly remembered at certain particular dayes and times, by the whole Kirk of the world, and may be also now : Therefor the Assembly ordains, that every Minister shall upon these dayes have the commemoration of the foresaid inestimable benefits ; and make choise of severall and pertinent texts of Scripture, and frame their doctrine and exhortation thereto ; and rebuke all superstitious observance and licentious profanation thereof.

The Bishop proponed an Act to be made, that all Ministers at their admission should swear, that they have made no privat pactiō for diminution of the stipends, modified be the Commissioners appointed be the Parliament.

Item, A ratification of the Catechism allowed at Aberdeen, and printed since with Priviledge.

Item, That every Minister have care, that the Act against beggars be observed in their parishes.

Item, That Mr William Scot and Mr Alexander Henderson be transported to Edinburgh.

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